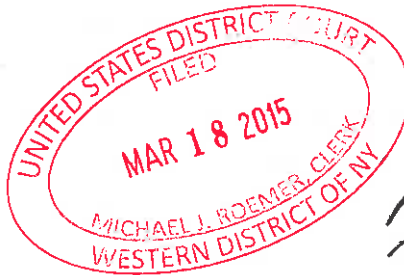


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

CARLOS ABREU  
# 99A3027

- PLAINTIFF -

- AGAINST -



PRISONER CIVIL  
RIGHT COMPLAINT  
42 U.S.C. § 1983

ROBERT HAMILTON;  
JAN SZABICK;  
JEFFREY MAYRA;  
BENJAMIN WILSON;  
PATRICK CONNOLLY;  
KAREN CROWLEY;  
BRIAN FREEMAN;  
MICHAEL A. HILL;  
JOEL GRODE;  
PAUL REID;  
MARGARET STIRK;  
DIONE TOPOREK;  
LARRY WYZYKOWSKI;  
DANYELLE HODGES;  
ROSALYN KILLINGER;  
JOYCE KRYGIER;  
ROBERT SKUBIS;  
SUSAN SCHUMACHER;  
JACK MLORA;  
LAURA SOWA;  
CURTIS SNOWDEN;  
CURTIS SNOWDEN JR;  
MICHAEL HERBISON;  
JACQUELINE LEVITT;  
HENRY MAGYAR;  
DONNA REINHARDT

CIVIL NO.

JURY TRIAL  
DEMANDED

**TAYLOR ROBERTS,**

William Gregoire,

Elizabeth Blake,

Michael Lucas,

Steve Furlani,

Mary Geary,

Nicole Fink,

Eileen Fucina,

Cindy Ferron,

Jeffrey Hrif,

Leslie Lisson,

Lisa La Penno,

Edward Meyer,

Tamara Davis,

Randall Labedz,

Sergio Vasquez,

Jane John 1,

Jane John 2,

Jane John 3,

Marylisa Hayden,

Jeffrey **KEENAN**,

John Lempke,

Kevin J. Brown,

Maureen Boll,

Carl J. Konigsmann,

Joseph F. Beclmer,

Jeff Mckoy,

Doris Ramirez-Romero,

Karen Bellamy,

Albert Prack / D. Varettozzi,

Stephen M. Ash,

**Chief Inspector General:**

Emmanuel Powell / Mendez,

**Dol** Johns / Kevin Rosplack,

Jill Grant / L.T. R. Fischer,

Debra Menning,

Maureen Bosco,

OMH Commissioner

New York State

Office of Mental Health

N.Y.S. Department of Correction and Commissioner A. Annucci.

Defendants

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## INTRODUCTION

This is a Civil Rights Action Filed by CARLOS ABREU, a STATE PRISONER, for DAMAGES AND injunctive relief under 42 U.S.C. § 1983, alleging violations of his 1st, 4th, 5th, 8th AND 14th Amendment to the UNITED STATES CONSTITUTION, Alleging excessive confinement in Special Housing Unit. Violations of the Due Process in several disciplinary hearings. Horsh conditions of confinements that placed his safety, health AND wellbeing in on Imminent danger of serious physical AND psychological, injuries, Denial of proper AND adequate medical AND mental health care, violations of his religious meals/belief, conspiracy AND RETALIATIONS FROM SEVERAL PERSONS / STAFF / OFFICIALS. Discriminations Sexual Harassments, Threats of physical assaults Denial of FOIL Request. False Reports. Damages of legal materials. Violations of the ADA AND Rehabilitation Act. Violations of the APA. Denial of Court Access/Law Library photocopy/Access to Law Library services, Interfering with active, pending, AND future lawsuits/cases/actions/proceedings AND claims. Denial of Access to the facility inmate claims. Interfering with grievance complaints AND investigations. Deliberate indifference and intentional misconducts of Defendants, physical assaults with hot waters provoked injuries, Denial of foods, AND others many misconducts AND abuses made by the Defendants in violation of the Constitution Human Rights, International Law, Federal, AND state laws, Regulations, Directives, AND Policies. The Plaintiff also alleges the torts of assault AND battery, AND negligence AND malpractices under state law claims. See 28 U.S.C § 1367 OF THE WHICH THIS COURT HAS JURISDICTION TO HEAR.

#(3)

## Jurisdiction

- 1) The COURT has Jurisdiction over the Plaintiff's claims of Violation of Federal Constitutional Rights under 42 U.S.C § 1331 (1), AND 1543.
- 2) The COURT has Supplemental Jurisdiction over the Plaintiff's state law TORT claims under 28 U.S.C § 1367

## Parties

- 3) The Plaintiff CARLOS ABREU, is incarcerated at Wende Correctional Facility < "Wende" > OR ("Wende SHU") during the events described in this complaint
- 4) Defendants HAMILTON, SZABLIK, POWELL, MANDER, MAXER, REID, HERBISON, WILSON, RASBLOK, AND, MAGYAR are Correctional Officers employed at Wende/SHU they are sued in their individual capacities,
- 5) Defendants CONNOLLY, FREEMAN, HODGES, MEORA, GREGOIRE, ROBERTS are SGTs/ SERGEANTS < CORRECTIONAL SERGEANTS > employed at Wende/SHU they are sued in their OFFICIAL AND individual capacities
- 6) Defendant KAREN CROWLEY is the DEPUTY SUPERINTENDENT FOR PROGRAM SERVICES employed at Wende she is sued in her OFFICIAL AND individual capacities
- 7) Defendant MICHAEL HILL is the ASSISTANT OF THE DEPUTY Supt for PROGRAM/PREA COMPLIN He is sued in his OFFICIAL AND individual capacities

- 8) Defendant JOEL GRODEN is the Senior Librarian employed at Wende. He is sued in his individual capacity.
- 9) Defendant MARGARET STIRK is the OMH Unit Chief employed at Wende. She is sued in her individual capacity.
- 10) Defendant Dione TOPOREK is the Nurse Administrator employed at Wende. She is sued in her individual capacity.
- 11) Defendant LARRY WYZYKOWSKI is the Optician employed at Wende. He is sued in his individual capacity.
- 12) Defendant DONELLE HODGES is the Sergeant employed at Wende. She is sued in her individual capacity.
- 13) Defendant ROSALYN KILLINGER is the Deputy Superintendent of Health employed at Wende. She is sued in her individual AND official capacities.
- 14) Defendant JOYCE KRYGIER is the FOIL Request Officer/Inmate Records Coordinator II employed at Wende. She is sued in her individual capacity.
- 15) Defendant ROBERT SKUBIS is the SHU Correction Counselor employed at Wende. He is sued in his individual capacity.
- 16) Defendant SUSAN SCHUMACHER is the Deputy Superintendent for Administration employed at Wende. She is sued in her individual capacity.

- 17 > DEFENDANTS LAURA SOWA, MICHAEL LUCAS, RANDALL LABEDZ, AND FISCHER; (AND) JEFFREY KEENAN ARE ALL LIEUTENANTS (CORRECTIONAL LIEUTENANTS) IN CHARGE OF THE ADMINISTRATIVE SEGREGATION/SITU EMPLOYED AT WENDE THEY ARE SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.
- 18 > DEFENDANTS CURTIS SNOWDEN AND CURTIS SNOWDEN JR ARE THE RECREATION PROGRAM LEADER I, AND LEADER II. EMPLOYED AT WENDE C.K. THEY ARE SUED IN THEIR INDIVIDUAL CAPACITIES.
- 19 > DEFENDANT, JACQUELINE LEVITT IS THE FACILITY HEALTH SERVICES DIRECTOR/ AND PHYSICIAN EMPLOYED AT WENDE. AT WENDE SHE IS SUED IN HER OFFICIAL AND INDIVIDUAL CAPACITIES.
- 20 > DEFENDANT ELIZABETH BLAKE IS THE FACILITY INSTITUTION STEWARD EMPLOYED AT WENDE. SHE IS SUED IN HER INDIVIDUAL AND OFFICIAL CAPACITIES.
- 21 > DEFENDANT STEVE FURLANI IS THE EDUCATION SUPERVISOR EMPLOYED AT WENDE. HE IS SUED IN HIS INDIVIDUAL CAPACITY.
- 22 > DEFENDANT MARY GEARY, LISA LA PENNA, TAMARA DAVIS, MARYLISA HAYDEN, JONE JOHN 1, JONE JOHN 2 AND JONE JOHN 3 ARE NURSES (CORRECTIONAL NURSES) EMPLOYED AT WENDE. THEY ARE SUED IN THEIR INDIVIDUAL CAPACITY.
- 23 > DEFENDANT NICOLE FINK IS THE OCCUPATIONAL THERAPIST EMPLOYED AT WENDE. SHE IS SUED IN HER INDIVIDUAL CAPACITY.

- 24 > DEFENDANT EILEEN FUCINA IS THE NURSE ADMINISTRATOR EMPLOYED IN WENDE SHE IS SUED IN HER INDIVIDUAL CAPACITY
- 25 > DEFENDANT CINDY FERRON IS THE ASSISTANT INMATE GRIEVANCE PROGRAM AT WENDE SHE IS SUED IN HER INDIVIDUAL CAPACITY.
- 26 > DEFENDANT JEFFREY HEIF IS THE SUPERVISING OFFENDER REHABILITATION / SUPERVISOR COUNSELOR EMPLOYED AT WENDE. HE IS SUED IN HIS INDIVIDUAL CAPACITY.
- 27 > DEFENDANT LESLIE LISSON IS THE DMH/MENTAL HEALTH SOCIAL WORKER II EMPLOYED AT WENDE SHE IS SUED IN HER INDIVIDUAL CAPACITY
- 28 > DEFENDANT EDWARD MEYER IS THE CAPTAIN (CORRECTIONAL CAPTAIN) AT WENDE HE IS SUED IN HIS INDIVIDUAL CAPACITY AND OFFICIAL CAPACITY
- 29 > DEFENDANT SERGIO VARGUEZ IS A CORRECTIONAL COUNSELOR / COUNSELOR EMPLOYED AT WENDE HE IS SUED IN HIS INDIVIDUAL CAPACITY
- 30 > DEFENDANT JEFFREY KEENAN IS A L.T. EMPLOYED AT WENDE HE IS SUED IN HIS INDIVIDUAL CAPACITY.
- 31 > DEFENDANT JOHN LEMKE IS THE FACILITY SUPERINTENDENT EMPLOYED AT WENDE HE IS SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES.

- 32) Defendant KEVIN J. BROWN, is THE DEPUTY SUPERINTENDENT FOR SECURITY EMPLOYED AT WAND. he is sued in his individual, AND OFFICIAL Capacities.
- 33) Defendant MAUREEN BOLL is THE DEPUTY COMMISSIONER AND COUNSEL EMPLOYED AT THE N.Y.S. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. She is sued in her individual AND OFFICIAL Capacities.
- 34) Defendant CARL J. KORNIGSMANN is THE DEPUTY COMMISSIONER AND MEDICAL ~~CHIEF~~ **MEDICAL OFFICER** EMPLOYED AT THE N.Y.S. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. he is sued in his individual AND OFFICIAL Capacities.
- 35) Defendant JOSEPH F. BRENNER is THE DEPUTY COMMISSIONER ~~FOR~~ **FOR** CORRECTIONAL FACILITIES, EMPLOYED AT THE N.Y.S. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. he is sued in his individual AND OFFICIAL Capacities.
- 36) Defendant JEFF MCKOY is THE DEPUTY COMMISSIONER FOR PROGRAM SERVICES EMPLOYED AT THE N.Y.S. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. he is sued in his individual AND OFFICIAL Capacities.
- 37) Defendant DORIS RAMIREZ-ROMERO is THE DIRECTOR OF MENTAL HEALTH SERVICES EMPLOYED AT THE N.Y.S. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. She is sued in her individual AND OFFICIAL Capacities.

- 38) Defendant KAREN DELANEY is the Director of the Inmate Grievance Program Services, employed at ~~THE~~ NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. She is sued in her individual AND official capacities.
- 39) Defendant ALBERT PRACK is the Director of the Special Housing Unit/ Inmate Disciplinary Program employed at THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, He is sued in his individual AND official capacities.
- 40) Defendant STEPHEN M. ASH is the Regional Health Service Director employed at THE N.Y.S. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. He is sued individual AND official capacities.
- 41) Defendant Chief Inspector General / Deputy Commissioner is employed in THE N.Y.S. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION and He/She is sued individual AND official capacities.
- 42) Defendant EMMONUEL POWELL is the Correction Officer assigned in the MHU Observation Cell employed at Wende. He is sued in his individual capacity.
- 42) Defendant Doe John is a Correction Sgt/Supervisor employed at Wende. He is sued in his individual capacity.
- 43) Defendants Jill Grant AND Debra Menning ARE THE Risk Management Specialists employed at in the N.Y.S. Office of Mental Health / Central N.Y. Psychiatric Center sued individuals capacities.

44) Defendant MAUREEN BOSCO is the Executive Director of the Central N.Y. Psychiatric Center/OMH. AND she is sued in her individual capacity.

45) Defendant OMH Commissioner is the Commissioner of the N.Y.S. Office of Mental Health. He or she is sued in his/her official AND individual capacity.

46) Defendant New York State is the State of New York of the United States of America. and the State is sued in his individual, AND official capacities.

47) Defendant Office of Mental Health is the New York State Office of Mental Health of the State of New York of the United States of America and is sued in this individual AND official capacities.

48) Defendant N.Y.S. Department of Correction is the N.Y.S. DOCS of the State of New York of the United States of America and is sued in this individual AND official capacities.

49) Defendant Donna Reinhardt is the Secretary of the Disciplinary Program or the Office Disciplinary AND is a Keyboard Specialist / employed at Wende. She is sued in her official AND individual capacities.

50) Defendant ANTHONY ANNUCCI is the N.Y.S. DOCS Acting Commissioner, employed in the DOCS. He is sued in his official AND individual capacities.

51) All The Defendants have acted and continue to act, under color of state law at all times relevant to this complaint.

### "FACTS"

52) ON OR ABOUT January /08/2015 Plaintiff (ABREU) WAS RETURNED TO WINDLE C.F. SHU FROM A COURT TRIP AND FROM THE MENTAL HEALTH UNIT (MHU) OBSERVATION CELL IN DOWNSTATE C.F. TO WINDLE C.F.

53) IN HIS ARRIVE Plaintiff/ABREU WAS INFORMED THAT HE WILL BE SUBJECTED TO THE SAME HARSH CONDITIONS OF CONFINEMENTS THE WHICH HE WAS BEFORE HIS COURT TRIP. IN WINDLE C.F. SHU. THE WHICH WAS CONTINUE TO BE PLACED BEHIND A DOUBLE PLEXIGLASS/CELL SHIELDS WEAR A SPECIAL SUIT, DON'T HAVE ANY CONTACT FROM HE CELL WITH ONLY PRISON CIVILIANS eg. COUNSELLORS, SOCIAL WORKERS, NURSES, CLINICIANS, PHYSICIANS, DOCTORS, ASSISTANTS, ETC. HE ONLY WILL HAVE CONTACTS FROM HIS CELL WITH PRISON UNIFORMEDS.

54) ABREU WAS IN DOWNSTATE C.F. MHU OBS. CELLS FROM NOVEMBER 04 2014 TO JANUARY /08/2015 FOR TWO MONTHS IN DOWNSTATE C.F. PRISON DOCTORS HAS PRESCRIBED TO HIM BACK HIS TUBERCULOSIS (T.B) MEDICATIONS, LIPITOR FOR HIGH CHOLESTEROL, CLARITIN FOR ALLERGY, A NASAL SPRAYS FOR ALLERGY, TREATMENTS FOR HEMORRHOIDS, A PLAN FOR A COLONOSCOPY, A PLAN FOR SEE A QUALIFIED ORTHOPEDIC SPECIALIST, A PLAN FOR RECEIVE HIS TRAYS, SV. LENTS/EXEGLASSES, WITH TRAYS SV. PRESCRIBED PROPER PAIN MEDICATIONS, FOR HIS CHRONIC PAINS THAT ABREU SUFFER IN HIS HAND, LOWER BACK AND LEFT ANKLE, AND A PLAN FOR A HAND SURGERY DUE TO CARPAL TUNNEL AND A PLAN FOR PHYSICAL THERAPY, THE WHICH ABREU NEED.

- 55) HOWEVER ONCE TIME ABREU ARRIVED BACK TO WINDLE C.F. SHU THE DR. LEVITT TO DISCONTINUE ALL AND LACK MEDICAL TREATMENTS PRESCRIBED AND RECOMMENDED TO ABREU IN DOWNSTATE. SHE DISCONTINUED ALL THIS OF A FORM DELIBERATE AND INDIFFERENT TO ABREU HEALTH CARE WELL BEING AND SAFETY PLACED TO ABREU TO 'SUFFER IMMINENT DANGERS.
- 56) THE DEFENDANTS KILLINGER; SCHUMACHER; KOENIGSMANN; ASH AND LEMPKO ALONG WITH ANNUCCI, SUPPORTED DEFENDANT LEVITT DECISIONS OR DETERMINATIONS AGAINST MR. AND IGNORED ALL AND LACK OF ABREU MEDICAL COMPLAINTS AND MISCONDUCTS OF THE DR. LEVITT AGAINST ABREU. SO, THEY WERE ALSO DELIBERATE AND INDIFFERENT TO ABREU HEALTH CARE WELL BEING AND SAFETY, PLACED HIM ALSO IN ON IMMINENT DANGERS.
- 57) FROM FEBRUARY 2015 TO THE PRESENT MARCH 2015 ABREU HAS FILED SIX-CALL REGULARLY NEAR TO DAILY REPORTING CHRONIC PAINS IN RIGHT HAND, LOWER BACK, AND LEFT ANKLE REPORTING PROBLEMS FOR WALK WITHOUT HIS ORTHOPEDIC BOOTS PRESCRIBED TO HIM IN GREEN HAVEN C.F. SHU, FOR DOC'S DOCTORS, AND SPECIALISTS INSIDE AND OUTSIDE THE 'PRISON SYSTEM' REPORTING BACK. PROBLEMS IN NEED OF HIS 'BACK SUPPORTS/BRACE'. REPORTING THE NEED OF HIS HAND BRACE, PRESCRIBED ALSO IN GREEN HAVEN C.F. SHU. BY DOC'S PRISON DOCTORS AND SPECIALISTS, REPORTING THE NEEDED OF HIS PRESCRIBED EYE GLASSES WITH SV. TRAYS LENTS.
- 58) HOWEVER DEFENDANT LEVITT HAS IGNORED ABREU MEDICAL COMPLAINTS OF A FORM DELIBERATE AND INDIFFERENT AND ENCOURAGED TO THE MEDICAL NURSES TO DO THE SAME TO ABREU

59 > ABREU HAS ALSO REPORTING TO DAILY REPORTING THAT HE NEED HIS PAIN PRESCRIBED MEDICATIONS HIS LIPITOR FOR HIGH CHOLESTEROL HIS CLORITIN MEDICATIONS FOR ALLERGY, HIS NOSE SPRAYS, HIS MEDICAL BOOTS, HAND BRACES AND BACK BRACES

60 > ABREU CONTINUES REPORTING THE NEED OF A HAND SURGERY FOR HIS RIGHT HAND, THE WHICH WAS REFERENCED IN JAN/22/2014 IN GREEN HAVEN C.F. FOR CARPAL TUNNEL. THE NEED FOR A COLONOSCOPY, REFERENCED ALSO IN GREEN HAVEN C.F. BY DOCTORS AND SPECIALISTS, BUT DEFENDANT LEVITT HAS IGNORED ALL THIS MEDICAL COMPLAINTS OF A FORM DELIBERATE AND INDIFFERENT TO ABREU HEALTH CARE WELLBEING AND SAFETY PLACING TO ABREU IN AN IMMEDIATE DANGER

61 > ABREU REPORTING TO DAILY HAS REPORTING ALSO, BLEEDING FROM HIS NOSES, SPITTING BLOOD BLEEDING AND CHRONIC PAINS FROM HIS ANUS RECTAL / STOOL, DIZZINESS, FEELING WEAKNESS, BLURRED VISIONS; SEVERE STRONGER HEADACHES, SEVERE STOMACH PAINS; CHILLS. FEELING VERY SICK, BUT DEFENDANT LEVITT ALONG WITH THE DEFENDANTS TOPOREK, KILLINGER, SCHUMACHER, GLORY, FUCINA, FERROW, LA PENNA, DAVIS, JONE JOHNS 1, 2, 3, HAYDEN, KOLNIGSMANN, ASK, LEMPKE, STIRK AND BROWN, HAS OPENLY IGNORED ABREU SERIOUS MEDICAL CONDITIONS AND SYMPTOMS WHEN ABREU HAS REPORTING TO ALL THEM VIA SICK-CALL REQUESTS, VIA LETTERS AND PERSONALLY WHEN SEVERAL OF THIS DEFENDANTS MAKING ROUNDS IN THE SHU BUT PLAINTIFF ABREU HAS ONLY RECEIVED AN OPEN DELIBERATE INDIFFERENCE TO ALL HIS COMPLAINTS VERBAL OR IN WRITTEN OR EVEN PRESENTED EVIDENCE TO THEM SUCH AS ALOT OF BLOOD ON SHEETS OR PAPERS.

# (13)

62) DEFENDANTS LEMKE, BROWN, Killinger, Schumacher, STIRK, AND 'MAYER' MAKE ROUNDS IN THE SITU IN WARD C F EVERY EACH WEEK, ONCE TIME IN THE WEEK OR SOME TIME TWICE IN THE WEEK. FROM JANUARY 2015 TO THE PRESENT MARCH / 2015 ABREU HAS AND HAVE REPORTING TO THEM THE DEFENDANTS LEVITT AND NURSES MISCONDUCTS AGAINST ABREU, AND REPORTING MANY TIME HIS PAINS, his sufferings, his BLEEDING, his SYMPTOMS, the needs of his MEDICAL DEVICES BUT THEY HAS ONLY IGNORED MULTIPLE TIME ABREU COMPLAINTS OF A FORM DELIBERATE AND INDIFFERENT.

63) THE DEFENDANTS, BROWN, LEMKE, Killinger, Schumacher, STIRK, AND 'MAYER' DON'T ALLOW TO THE DR. LEVITT TO ORRIVE FRONT ABREU CELL, DON'T ALLOW TO NURSES TO ORRIVE FRONT ABREU CELL, DON'T MATTER WHICH IS THE EMERGENCY, THEY HAS PLACED ABREU UNDER THIS CLASSES OF DISPRIVATIONS, THE WHICH ARE COMPLETELY UNCONSTITUTIONALS.

64) THE DEFENDANT LEVITT MAKING ROUNDS IN THE SITU ONCE TIME IN THE WEEK, THE FACILITY ADMINISTRATION PLACED ABREU IN THE LAST CELL OF THE GALLERY 42. THE WHICH HAS 17 CELLS. ABREU WAS PLACED IN 17 CELL. DR. LEVITT AND NURSES ARE ALLOWED ONLY TO WALK FROM CELLS 1 TO CELL 16. THAT IT EVEN IF ABREU CALL TO THEY ASKED FOR HELP, ASSISTANCE, EMERGENCY SICK-CALL, SICK-CALL, THEY DON'T ORRIVE OR WALK FRONT ABREU CELL, NO TALKING TO ABREU IN ALL AND DON'T ALLOWED TO NURSES TO DELIVERY ANY MEDICATIONS TO ABREU FRONT HIS CELL LOCATION.

65) DR. LEVITT ALSO DON'T SEND TO ONLY C.O.S. TO VERIFY IF ABREU IS FINE OR OK AND DON'T SEND TO THEM TO ASK IF ABREU WANT OR NEED SEE THE DOCTOR  
# (14)

- 66) THE DR. LEVITT AND NURSES MAKING ROUNDS IN THE SHU IN Wende C.F. BECAUSE DOCTORS AND NURSES ARE ALLOWED TO TALK AND SPEAK WITH SHU PRISONERS FRONT THEIR CELL, AND ARE ALLOWED TO EXAMINE PRISONERS FRONT THE CELLS AND ALLOWED ALSO TO DELIVER PRISONERS MEDICATIONS FRONT THEIR CELLS.
- 67) HOWEVER ABREU IS TREATED OF A FORM VERY DIFFERENT TO OTHER PRISONERS PLACED IN SIMILAR SITUATIONS, IN OTHER WORDS ABREU IS COMPLETELY DISCRIMINATED BY THE DEFENDANTS AND AN OPEN DELIBERATE INDIFFERENCES TO A POINT THAT NO MATTER WHICH ARE OR BE ABREU MEDICAL CONDITIONS, BE THIS SERIOUS OR NOT HE IS DENIED OF ALL PROPER AND ADEQUATE MEDICAL CARE TO HIS MEDICAL NEEDS THAT HAS PLACING ABREU'S HEALTH CARE, WELLBEING AND SAFETY IN AN IMMINENT DANGER.
- 68) FOR ABREU CAN GET OR OBTAIN SOME CONTACT WITH MEDICAL STAFF AND OTHER CIVILIANS HE NEED BE ESCORTED OUT OF HIS CELL BY TWO A, CORRECTIONAL OFFICERS ALONG WITH A SHU SUPERVISOR TO A FRISK ROOM TO PUT ON A SPECIAL SUIT WITH A LOCK AND A BELT AND KEEP HIM COMPLETELY HANDCUFFED LIKE A DOG OR ANIMAL, AND BE HUMILIATED AND EMBARRASSED LIKE HE DON'T HAVE ANY CIVIL OR CONSTITUTIONAL RIGHTS FROM THE CIVILIANS.
- 69) WHEN THE CIVILIANS SAW ABREU WITH THE SPECIAL SUITS ON OR WEARING IT THE CIVILIANS AUTOMATIC DISCRIMINATE ABREU WITH RACIAL SLUR, AND OR TREAT ABREU VERY DIFFERENT, TALKING HIM WITHOUT ANY RESPECT, AND STILL A NURSE TO SPIT INSIDE OF ABREU'S CUP WATER PROVIDED ABREU FOR HE CAN TAKE A MEDICATION, THE NURSE SPIT IT IN FRONT OF SHU CAMERAS, IN FRONT OF SECURITY AND ABREU. LIKE ABREU IS A DOG OR ANIMAL.

70) The special suit the which Abreu is forced to wear any time he get out of the SHU from October 2014 to the present March 2015 has provoked that Abreu receive more tickets reports, more retaliations, more abuses, more attacks, more discriminations, more humiliations, more harsh SHU sentences, and a form of ~~depreciations~~ depreciations from all civilians staff and many uniformed who see Abreu wearing it so the suit rather than help Abreu, has provoked more problems to Abreu, and rather than avoid incidents has provoked more incidents, between Abreu and staff.

71) The Defendant Roberts told to medical staff and to the administration that Abreu is not refused to take his medications or receive sick call services, etc, he alleged that ~~technically~~ Abreu only have refused to put on the suit in the Frisk room, due to feeling of humiliations rather than refuse services, the which he interpreted that it is not the same that refuse services, that Abreu only refused to put on the suit that is very different to refuse services, or med, or sick call etc.

72) Abreu agree with Defendant Roberts he don't have refused nothing in whole c.f. he don't have refused any services in all neither Abreu only have refused to wear the suit or put it suit on, because others prisoners in similar situations don't are forced to wear the special suit in whole c.f. / SHU.

73) Between 600 to 1000 prisoners confined between general population and SHU, Abreu is the only and unique prisoner forced to wear a special suit with a lock on it a belt, and handcuffed, in all time out of cell and in only room.

74 > THE DEFENDANTS LEMKE BROWN CROWLEY STIRK TOPOREK KILLINGER SCHUMACHER LEVITT HILL BOSCO PRACK BELAMY ROMIREZ-ROMERO BELINIER KOLNIGSMANN LISON BOLL KENNON LUCAS SOWA LABEDZ OMH MAYER GREGOIRE ROBERTS CHIEF INSPECTOR GENERAL HODGES FREEMAN AND MEARA DOES HAS FURTHER KNOWLEDGES ABOUT ALL THIS THEY HAS FURTHER KNOWLEDGES OF ALL THIS PROBLEMS THEY HAS FURTHER KNOWLEDGES REGARDING STU CONDITIONS AND HIS CONFINEMENTS, BUT THEY HAS IGNORED ABREU COMPLAINTS (VERBAL AND IN WRITTEN) OF A FORM DELIBERATE AND INDIFFERENT TO ABREU HEALTH, CARE, WELLBEING AND SAFETY. PLACING ABREU TO SUFFER IMMEDIATE DANGERS.

75 > ABREU HAS WRITTEN MULTIPLE LETTERS OF COMPLAINTS AND REPORTING HIS CONDITIONS OF CONFINEMENTS IN WINDO CF STU FROM JULY 2014 TO MARCH 2015 TO THE DEFENDANTS LEMKE; BROWN CROWLEY STIRK TOPOREK; KILLINGER; FUCINA PRACK; BELAMY ROMIREZ-ROMERO; BELINIER KOLNIGSMANN ASH ANNUCCI, CHIEF INSPECTOR GENERAL; BOSCO OMH COMMISSIONER DOCS BOSCO AND SCHUMACHER, AND MCKAY REPORTING TO THEM ALL ONE EACH OF THE VIOLATIONS.

76 > ABREU HAS WRITTEN MULTIPLE GRIEVANCES AND COMPLAINTS REPORTING THE SAME, THIS COMPLAINTS ARE SENDING TO DEFENDANTS LEMKE STIRK BROWN MAYER KENNON LUCAS KILLINGER FUCINA TOPOREK LABEDZ SOWA GREGOIRE HODGES MEARA CROWLEY SCHUMACHER FREEMAN ROBERTS LEVITT HILL BLAKE FURLANI LISON AND N.Y.S DOCS/CORC AND THIS AUTHORITIES ALL AND EACH OF THEM HAS REFUSED AND FAILED TO RESOLVE THE PROBLEMS, REFUSED TO PROVIDE ABREU ANY RELIEF, REFUSED TO CONDUCT A PROPER AND ADEQUATE INVESTIGATIONS, AND ALSO REFUSED TO STOP STAFF MISCONDUCTS AND THEY OWN MISCONDUCTS TOO

# (17)

77) Abreu is placed behind plexiglasses / Double cell shields with lack of ventilations, with lack of air, AND with lack of heatings. Abreu has one cell shield placed at his 'cell door' one cell shield placed on his cell bar, AND two placed behind his cell door AND bars, the which are special shields that don't allow to no one to see Abreu half body.

78) Abreu is under this plexiglasses / cell shield from August 2014 to the present March 2015, with the special shield, AND with the regular shield from October 2014 to the present March 2015.

79) Abreu has suffering asthma attack, respiratory problems, problems for breathing, one xido / lack of oxygens, experienced constants bleeding from his nose AND mouth, extreme headaches, feeling weak. The cell get extremely cold, mainly in night time AND early in the morning. The double plexiglasses don't allow the heating come inside of Abreu cell, neither AND Abreu has deprived of proper OR adequate winter clothes. AND Abreu have been denied long Johns top / bottom for the extreme cold conditions. AND denied openly of all proper AND adequate medical care, attentions AND treatments to his experienced symptoms AND injuries.

80) The plexiglasses / glasses top / bottoms has get a lot of DUSTS blocked Abreu visions out of his cell AND provoked pains AND discomfort in Abreu eyes when he try to look through it outside of his cell. Abreu is unable to clean it from inside of his cell due to the bars AND wires / heavy wires mesh placed on it doors.

- 81) Please be advised, That Anorexia / Orophorexia is when a person suffer of lack of oxygen. That can provide serious symptoms in a person such as Bleeding, Confusions, Weakness, Headaches, Dizziness, Traumas, Psychologic injuries, Visions, etc. Due to that the brains do not receive the proper amount of Air - oxygen. Anorexia can provide also that a person act of a form violent, against his or her wish or desire.
- 82) Regularly Federal Courts has found that one or two weeks of be placed behind a Plexiglass / cell shields possibly don't violate the Constitution, but when it is placed for longer months or years, front a prisoner cell, the court has found constitutional violations under the 8th Amend. The which prohibit cruel and unusual punishment, because it Plexiglasses severely restricts ventilation. The which is an atrocious and significant hardship. If the Plexiglasses continued for most than a week or two week because the can require to prison officials provide a reasonably safe living conditions because unsafe conditions in a prisoner cell violate the Eighth Amend, too.
- 83) Abreu has be placed under this conditions behind a cell shield (Double Plexiglasses), not one or two weeks but "Seven months" and all appear that if this court don't take actions immediately, Abreu will be under this unconstitutional and harsh conditions for one entire year or still for years. In dangerous and unsafe conditions that clearly place his life, safety, care, wellbeing, health, welfare in an imminent danger.
- 84) The Plexiglasses placed front Abreu cell boards and door don't have any classes of holes in it, when it is supposed to have holes in it.

85 > in others situ(s) the plexiglasses regularly have small holes in the port below of the plexiglasses, for provide some ventilations/air to the prisoner, who are placed behind it.

86 > in under c-k situ the plexiglasses placed on Abreu cell door and bars, don't have any holes in all. And Abreu cell doors/door has double cell shield not one.

87 > This is very clear that does make holes in those plexiglasses in other situ(s) because they know perfectly that it plexiglasses extremely limit air, oxygen, and ventilations including heating in 'winter' time. The heating are placed outside the cell in the gallery/common, not inside of the cell so, in other for Abreu can get proper and obligated heating in his cell, the plexiglasses will be removed.

88 > Moreover if any civilians are allowed to talk with Abreu in side cell door, or walk near or front of Abreu cell and where he is placed in the last cell so, which is the purposes of have it cell shields? also if he need to go out of his cell for 'any contacts with civilians, and put on a special suit with a lock in it, plus be with a belt and handcuff placed to his both wrist so, which are the purposes of continue having a double regular, and special shield, placed on all Abreu door and bars?

89 > Many staff include say Abreu that dependent Brown and Lemke, orders, and Abreu conditions of confinements don't have any sense in all and don't have any real purposes in all because that don't stop nothing in all.

- 90) All look that the ONLY AND UNIQUE PURPOSES OF THE DEFENDANTS BROWN AND LEMPKER IS TO HARM ABREU, IS TO PLACE HIM IN UNSAFE CELL CONDITIONS, IS TO PROVOKE THAT ABREU SUFFER INJURIES, THAT **ABREU** KILL HIM OWN SELF, DUE TO HORSH AND EXTREMELY BAD CONDITIONS OF CONFINEMENT THAT ABREU SUFFER PSYCHOLOGICAL DAMAGES AND THAT ABREU, SUFFER TORTURED PHYSICAL AND MENTAL.
- 91) THE DEFENDANTS (ALL) HAS FURTHER KNOWLEDGES OF ABREU CRUEL AND UNUSUAL PUNISHMENTS, HAS FURTHER KNOWLEDGES OF ABREU SUFFERINGS, OF ABREU MULTIPLE LETTERS COMPLAINTS, AND GRIEVANCES REPORTING HIS UNSAFE AND CRUEL AND UNUSUAL PUNISHMENTS AND OF THE EXTREMES HORSH AND BAD CONDITIONS OF CONFINEMENTS IN WAND C.F. SITE.
- 92) When ABREU SAY ALL MEAN ALL AND EACH STAFF, EMPLOYEES, CIVILIANS AND UNIFORMEDS MENTIONEDS IN THIS COMPLAINT FROM WAND C.F. TO DOCS IN ALBANY FROM DOCS TO CNYAC AND FROM CNYAC TO DMH IN ALBANY. SO ALL AND EACH OF THEY HAS PERSONAL KNOWLEDGES OF ALL THIS AND ARE INVOLVED THEREFORE IN THE VIOLATIONS OF ABREU RIGHTS.
- 93) THE SPECIAL SUIT IS COMPLETELY UNCONSTITUTIONAL VIOLATE THE CONSTITUTION (EVENLY THE EX POST FACTO LAWS, UNDER ARTICLE I § 9 AND ARTICLE I § 10 OF THE U.S. CONSTITUTION AND VIOLATE THE DOUBLE JEOPARDY UNDER THE FIFTH AMENDMENT RIGHTS.
- 94) THE SPECIAL SUIT WITH A LOCK AND BEIT IN THIS ATTACHED SUCH AS IF INMATE (**ABREU**) IS A DOG OR ANIMAL VIOLATE THE 1ST, 8TH, AND 14TH AMENDMENT RIGHTS.

- 95) Additionally the special suit violate the State law, Does own Regulations Chapter II, Chapter VI (4th) AND Does Directives '4932 AND 4933.
- 96) The Regulations under NYCRR, Chapters 5 AND 4 EXPLAIN CLEARLY TO THE Punish-  
- MENTS OR DISCIPLINE THAT ON INMATE CAN Receive While is CONFINED in the SHU AND When HE Receive a DISPOSITION in the I, II, OR III DISCIPLINARY Hearings
- 97) The Does Directive # 4932 EXPLAIN CLEARLY THE ONLY AND UNIQUE DISCIPLINARY THAT ON INMATE CAN Receive eg. KEEPBLOCK / SHU sentences, loss good time, loss commissaries, loss use of phone, loss TV/RADIOS, VISITS ect, THIS DON'T MENTION NOTHING ABOUT ON INMATE BE DISCIPLINARY WITH BE FORCED TO WEAR A SPECIAL SUIT, LOCK, ect.
- 98) AND All Punishments OR DISCIPLINE is Limited, All Has a Limit. The SHU Directive 4933 ALSO EXPLAIN THE ONLY Punishments OR DISCIPLINE THAT ON INMATE CAN BE Subjected TO THE SHU, Limited RESTRICTED DIST, Limited USE OF CELL SHIELD, Limited DEPRIVATIONS ORDERS AND Limited RESTRAINED ORDERS, Subjected TO LIMITATIONS OF USE OF AN Maximum OF Seven (7) Days.
- 99) From Seven (7) Days Afore Has be Subject TO All THIS DEPRIVATIONS, RESTRAINED AND CELL SHIELD FOR A PERIOD All Ready OF 7 (seven) MONTHS NOT seven DAYS, AND THE MONTHS CONTINUED REMAINED AND THE Disciplines AND CRUEL AND UNUSUAL Punishments CONTINUE TO THE PRESENT OF THIS COMPLAINT APPROVE BY THE DEFENDANTS BROWN, LEMKE, ANNUCCI, DELLNER, MEYER, KERNAN, Lucas & SUPERVISORS. #1221

- 100) When Abreu is subjected to Special Cell Shield / Plexiglass AND Special Suits NOT LISTED IN DOCS Regulations Chapter V AND VI, OR IN DOCS Directives 4932 AND 4933 that governing the disciplinary punishments, AND THE SPEC. DISCIPLINARY / OR PUNISHMENTS SENTENCES, ONLY Extra Discipline OR PUNISHMENTS NOT LISTED IN SUCH Regulations OR DIRECTIVES, IS Double Jeopardy, AND A VIOLATIONS OF THE EX POST FACTO laws.
- 101) Because the Extra Punishments and Discipline AND Sentences ~~ARE~~ made based in the same offender, and the punishment, and discipline, OR sentences ARE increased, based in the same offenses.
- 102) Example, if Abreu is placed behind a Regular Plexiglass / Cell Shield, due to alleged bad conducts AND sentence in a disciplinary hearing to an Intired year (365 / one year) in the SPEC., the punishment / discipline is now increased to a Special Cell Shield, plus to wear a Special Suit.
- 103) When the punishment of the Regular Cell Shield is supposed to be OR ONLY seven days the punishment of the Special Cell Shield is of 30 days, so, increased the punishment for the same offenses to 3 times the ~~Double~~ **TRIPLE** of the original punishment and their renewal it unlimited. When all is supposed to have a limit, so, 'Abreu' is Re-sentence, OR Re-Disciplined, OR Re-Punished over AND over for the same offenses.
- 104) Is this Double Jeopardy? Is this a violation of the EX POST FACTO laws AND DUE PROCESS RIGHTS? YES is a clear violations of the Constitution.

- 105 > UPON INFORMATION AND BELIEF THE SPECIAL SUITS AND SPECIAL CELL SHIELD/ PLEXIGLASS PUNISHMENTS HAVE NOT BEEN YET BE APPROVED BY THE N.Y.S. SECRETARY OF STATE, THE N.Y.S. GOVERNOR AND, THE N.Y.S. CONGRESS /OR BY THE LEGISLATIVE OR ASSEMBLY.
- 106 > THE SPECIAL SUIT AND PLEXIGLASS GLASSES IS ALSO A DISCRIMINATORY AND A RETALIATORY PUNISHMENT, IN REPRISALS, TO ABREU ALLEGED LEAD CONDUCTS.
- 107 > THE SUIT AND PLEXIGLASS ARE PLACED BEFORE ONLY DISCIPLINARY HEARINGS, CONDUCTED BY A HEARING OFFICER.
- 108 > EXAMPLE IF A C.O OR CIVILIAN BE MALE OR FEMALE, TO ACCUSE ABREU OF LEAD CONDUCT IN REPRISALS OR IN RETALIATIONS BY PRIORS GRIEVANCES, OR COMPLAINTS OR LAWSUITS AGAINST THAT C.O OR CIVILIAN, AND THEY WROTE A TICKET REPORT, AND ABREU HEARING IS PENDING AND HE CLAIM TO BE INNOCENT OF THE TICKET OR CHARGES, THE SPECIAL SUITS OR /AND PLEXIGLASS ARE PLACED ONLY WAY ON ABREU CELL, ALONG WITH SIGN THAT CLAIM THAT HE IS AN "EXPOSER"
- 109 > ABREU IS ALLEGEDLY DISCIPLINATE FOR 30 DAYS FORCED TO WEAR A SPECIAL SUIT A SIGN EXPOSER, AND A SPECIAL CELL SHIELD. NOW ABREU GO OR ATTEND TO HIS DISCIPLINARY HEARING WEARING THE SPECIAL SUIT, LOCK, SIGN EXPOSER, BELT, AND HONDCUFF,
- 110 > HE PLEAD NO GUILTY TO THE CHARGES. HOWEVER HE HAS ALREADY TO BE PUNISHED WITH 30 DAYS. SO, NOW THE HEARING OFFICER OBSERVED ABREU WEARING THE SUIT AND ALL THIS, AUTOMATICALLY FEEL OR FOUND THAT ABREU IS GUILTY OF ALL CHARGES. THIS IS CALLED PRE-JUDGED.

- 111 > Now no matter how many Abreu claim innocence no matter how many explanations he provide or give to the hearing officer no matter how many witnesses he call and no matter if the video tape show that he is not liable the hearing officer will go to found him guilty any way with a sentence disproportioned to any offenses of one to two years or more because the ~~DEPUTY SUPERINTENDENT~~ ~~FOR SECURITY~~ AND THE SUPERINTENDENT TO FOUND AND PLACED HIM GUILTY ALREADY WHEN HE WAS SENTENCED TO 30 DAYS OR MORE (RENEW OF THE 30 DAYS UNLIMITED) TO WEAR THE SPECIAL SUIT SPECIAL RESTRAINTS LOCK BRIT, HANDCUFFS AND SIGN "EXPOSER" SO, THE HEARING OFFICERS DON'T WILL GO, GO AGAINST HIM OR HER OWN BOSSES.
- 112 > THE HEARING OFFICERS IN PRISONS ARE REGULARLY ASSIGNED BY THE FACILITY SUPERINTENDENT TO CONDUCT HEARINGS IN FACILITY LEVELS NOT BY DOCS IN ALBANY. THIS HEARING OFFICERS ARE REGULARLY THE CIVILIAN UNIFORMED OR OWN SUPERINTENDENT TEAM
- 113 > SO, THERE ARE NO WAY IN ALL THAT THEY WILL NOT PUT OR PLACE ABREU NOT GUILTY OF THE ALLEGED CHARGES OR TICKETS BECAUSE IN PORT THE SUPERINTENDENT AND DES HAS ALREADY FOUND ABREU GUILTY WITHOUT EVEN HE HAVE ATTENDED TO HIS DISCIPLINARY HEARING SO, THIS IS A CLEAR AND OPEN VIOLATION OF THE DUE PROCESS UNDER 14TH AND 5TH AMEND.
- 114 > IN THE OUTSIDE COMMUNITY THIS IS SIMILAR IF AN INMATE TESTIFY FRONT A GRAND JURY IN A COURT ABOUT A CRIMINAL CHARGES WEARING HANDCUFFS SHACKLES AND UNIFORM HAVE BEEN ~~FOUND~~ TO BE UNCONSTITUTIONAL. AND COURTS OF APPEALS HAS DISMISSED THE ~~END~~ IN THIS ISSUE TOO.

- 115 > THE APPROPRIATE COURTS AND COURT OF APPEALS, HAS FOUND OR OBSERVED THAT FORCE ON INMATE TO TESTIFY FROM A JUDGE, OR CIVILIANS (GRAND JURY) COMPLETELY HANDCUFFED SHACKLES AND USED ON UNIFORM INCULC IN TRIALS, IS A PREJUDGED ISSUES BY THE JUDGE OR JURIES THAT THIS INMATE IS GUILTY OF THE CHARGES OR **OFFENSES**. SO, DISCRIMINATE TO HIM BASED IN HIS STATUS AND CONDITIONS, ISSUES THAT THE COURT OF APPEALS HAS FOUND TO BE UNCONSTITUTIONAL, AND THROWING THE IND. COMPLETELY.
- 116 > THE SAME HAPPEN HERE, THE WEAR A SPECIAL SUIT, LIKE ABREU IS FROM OTHER PLANET, OR UNIVERSE, WITH A SPECIAL LOCK, BRIT AND WEARING A PAIR OF HANDCUFF, ONLY TO THINKING IN THIS PICTURE MENTALLY IS VERY CLEAR FOR AN PERSON INTELLIGENT AND OPEN MIND THAT ABREU WILL GO SUFFER PREJUDGE AND DISCRIMINATIONS WITH A VERDICT OF GUILTY
- 117 > ABREU HAS OBSERVED THE FACE OF SURPRISE OF THE HEARING OFFICERS AND CIVILIANS WHEN THEY OBSERVE TO ABREU WEARING THE SPECIAL SUITS. SOME OF THEM STILL MAKE COMMENTS THAT DOES HAS GO TO FOR, FORCED TO HUMAN BEING TO USE THAT CLASSES OF UNHUMAN AND HUMILIATE SUIT THAT EMBARRASSMENT ALL DIGNITY OF A HUMAN BEING IN PRISON.
- 118 > SO, THIS COURT WILL FIND ALSO, THE SUIT, PLACED / SIGN, EXPOSER AND SPECIAL PLEXIGLASS WITH A COLORED SIGN, ADVISED TO OTHER PRISONERS STAFF AND CIVILIANS THAT THE INMATE ALLEGEDLY IS AN EXPOSER OR A ROPE, OR A FLOPPED PLACED TO THAT INMATE LIFE, HEALTH, SECURITY AND WELLBEING / WELLBEING OR WELFARE / TO SUFFER PHYSICAL ATTACKS, VIOLENT ASSAULTS DISCRIMINATIONS ABUSES REPRISAL RETALIATIONS, AND PREJUDGES IS COMPLETELY UNCONSTITUTIONAL AND THAT DOES AND PRISON OFFICIALS HAS GO TO FOR TOO.

- 119) BECAUSE THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION GUARANTEES THAT NO PRISONER SHALL BE SUBJECTED TO CRUEL AND UNUSUAL PUNISHMENT. THE CONSTITUTIONAL PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT NOT ONLY PROHIBITS CERTAIN KINDS OF PHYSICAL PUNISHMENT, SUCH AS TORTURE, BUT EMBODIES BROAD AND IDEALISTIC OF DIGNITY, CIVILIZED STANDARDS, HUMANITY, AND DECENCY.
- 120) THE EIGHTH AMENDMENT REQUIRES CONDUCT COMPATIBLE WITH THE EVOLVING STANDARDS THAT MARK THE PROGRESS OF A MATURING SOCIETY. AND THAT PRISON OFFICIALS MUST NOT BE DELIBERATELY INDIFFERENT TO A PRISONER UNSAFE CONDITIONS OF CONFINEMENTS OR SUBJECTED TO CRUEL AND UNUSUAL PUNISHMENTS OR SUBJECTED TO HUMILIATIONS IN FRONT OF OTHERS.
- 121) UNDER THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT, ALL PERSON IN THE UNITED STATES, INCLUDING PRISONERS ARE GUARANTEED, "THE EQUAL PROTECTION OF THE LAWS." THIS MEANS THAT THE STATE MAY NOT TREAT ABREU DIFFERENTLY OR DISCRIMINATE AGAINST HIM BECAUSE HE BELONG TO A PARTICULAR GROUP OR CLASS OF PEOPLE.
- 123) ABREU IS TREATED DIFFERENTLY FROM OTHER PRISONERS WHO WERE IN A SIMILAR SITUATION OR SIMILAR CIRCUMSTANCES. AND ABREU IS RECEIVED UNEQUAL TREATMENTS RESULTED FROM INTENTIONAL OR PURPOSEFUL DISCRIMINATIONS. IN DISCIPLINARY HEARINGS, IN APPEALS, IN MEDICAL AND MENTAL HEALTH CARE, IN SICK CALL SERVICES, IN COUNSELOR, AND MENTAL HEALTH SERVICES IN DENTAL REQUEST, IN DISPOSITIONS, ORDERS, DISCIPLINE, LIBRARY, LAW LIBRARY, AND IN THE SHU.

- 124) THE DEFENDANT HAMILTON HAVE SEXUALLY HARASSED TO ABRU, FROM JANUARY 2015 TO MARCH 2015 CALLED TO ABRU his MAMMI his BITCH his LITTLE GIRL, AND ASKED TO ABRU TO SUCK his DICK (PENIS).
- 125) HE RECENTLY HAVE TOUCHED ABRU BUTTOCK SAYING IT IS MY big BUTT. ABRU FILED A GRIEVANCE REPORTING C.O. HAMILTON SEXUAL MISCONDUCT, AND WRITING A FORMAL COMPLAINT WITH THE OFFICE OF INVESTIGATIONS/INSPECTOR GENERAL OFFICE AGAINST DEFENDANT HAMILTON.
- 126) ON MARCH /04 /2015 THE INSPECTOR GENERAL INVESTIGATOR AND THE SGT. MEORA TO INTERVIEWED ABRU REGARDING SEXUAL MISCONDUCTS/HARASSEMENTS BY C.O HAMILTON AND DEFENDANTS SKUBIS.
- 127) ABRU EXPLAINED TO BOTH THE I. G. INVESTIGATOR AND TO SGT. MEORA, THE HAPPENED TO HIM AND WHERE/WHEN THE SEXUAL MISCONDUCTS STARTED, ALONG WITH MULTIPLE HARASSEMENTS.
- 128) AFTER OF THE INTERVIEW, ABRU WAS PLACED BACK IN his CELL IN THE SHU, LOCATED IN 42. 17 CELL IN WARD.
- 129) APPROXIMATELY, BETWEEN 20 TO 30 MINUTES THE C.O HAMILTON WALKED ABRU BACK CELL WALL WHERE ARE PLACED THE CONNECTIONS OF THE SINK- TOILET AND HE STARTED TO KICKING THE WALL OF ABRU, YELLING "I WILL GO KILL YOU BITCH, FUCKING BITCH, I CATCH YOU, FUCKING HOMO, THEN ABRU LISTEN/HEARD ALOT OF STRONGER VOICES AND SOUND FROM HIS SINK, LIKE SOME ONE WAS DOING SOMETHING, THEN ALOT OF COLD WATERS STARTED TO COMING OUT FROM ABRU SINK IN A HIGH PRESSURED, FOR SEVERAL MINUTES INTO ABRU CELL.

- 130) Abreu Heard the voice of C.O. Hamilton said 'yes' bitch taken it. After fews minutes after he walk front Abreu cell, to look if he has flooded the cell sufficentely with waters.
- 131) He looked all Abreu cell wet, legal papers, bed, blanket, sheets, legal books, ect, all were wet, he smiled.
- 132) He walked again back behind Abreu cell and he again did the same things, with the water, putting more waters into Abreu cell, and belonging properties.
- 133) ON MARCH /05/2015 EARLY IN THE MORNING APPROX. BETWEEN 6:30<sup>AM</sup> TO 7:30<sup>AM</sup>, WHILE Abreu was sleeping /resting on his bed, alot of HOT WATERS STARTED TO COMING FROM Abreu SINK, BURNED Abreu DIFFERENT PART OF his body, AND PROVIDED INJURIES.
- 134) When C.O. HAMILTON LISTEN Abreu CRYING DUE TO THE PAINS THAT IT PROVIDED, HE JELLING "YEOWH BITCH CRY LIKE A BITCH" AND HE LEFT.
- 135) Abreu BED SHEETS BLANKETS WERE FULL OF WATERS ALL WET, PAPERS, BOOKS, ECT ALL WAS / WERE ALSO WET.
- 136) APPROX. BETWEEN 15 TO 30 MINUTS AFTER IT INCIDENT, THE C.O. HAMILTON, AND C.O. SZOBLICK WERE DELIVERED / SERVED THE BREAKFAST TRAYS, WHEN THEY GAVE Abreu TRAYS AND CUPS, AND Abreu OPENED IT THE TRAYS AND CUPS WERE FULL OF ALOT OF WET TOILET PAPERS NO FOODS IN ALL WAS INSIDE OF THE TRAYS, THEY ALSO SMILED WHEN THEY SAW Abreu FACE.

137 > The Sgt Meora, and the L.T. Keenan were making skin rounds in Y2 gallery where Abreu is housed / confined, approx 25 minutes after C.O. Hamilton denied Abreu foods, along with C.O. Szablick

138 > Abreu reporting the misconducts of C.O. Hamilton and Szablick to Sgt Meora and L.T. Keenan, and showed to them evidence that his cell was all wet, including his legal papers, books, sheets, bed, blankets etc and Abreu showing to them his injuries due to the hot waters, or provoked by the hot water used by C.O. Hamilton, they only smiled about all this and of a form deliberate and indifferent to Abreu conditions they continued walking.

139 > While C.F. skin has a sink and toilet the which are made of metal it sink and toilet are together in a piece the sink has cold and hot water the hot water is extremely hot, it is so hot that Abreu cannot keep one finger under the hot water even for one or two seconds or minutes because Abreu feel it burn his skin, or putting it so red and feeling painful so you can assume if it is keeping on for several minutes, hot waters coming from the sink like the water coming from the shower or rain there are not any escape route and the cell is very small there are not no room for walk or run the only that Abreu can do in such situations is try to cover up him self with the blanket, or mattress or block the water with a cell plastic bucket, that is

140 > C.O. Hamilton know perfectly all this, he have made the same to others inmates in the past in wurde skin.  
#(30)

- 141) ON 3/5/2015 IN LUNCH TIME, THE C.O. HAMILTON AND C.O. SZABICK AGAIN DID THE SAME THINGS WITH ABREU 'FOODS' THEY ONLY SERVED WET TOILET POMPERS, NO FOODS IN ALL WAS INSIDE THE TRAYS, AND THEY SMILED AGAIN WHEN ABREU OPENED THE TRAYS FOR FIND ONLY WET TOILET
- 142) ON 3/5/2015, ABREU REPORT ALL THIS MISCONDUCT AND BEHAVIORS MADE BY C.O.s HAMILTON AND SZABICK TO THE SITU SGT HODGES AND L.T. LUCAS WHEN THEY WERE MAKING ROUNDS IN THE SITU IN THE AFTERNOON AFTER THE NEXT SHIFT (3:00 PM TO 11:00 PM SHIFT.)
- 143) THE SGT. HODGES GET MAD/ANGRY BECAUSE ABREU STOPPED TO THE L.T. LUCAS, AND SHE YELLED IN ABREU TOO.
- 144) BOTH L.T. LUCAS AND SGT. HODGES SAW ALL ABREU POMPERS, BED SHEETS, BLANKET ETC WET BUT THEY ALSO REALIZED AND FAILED TO PROVIDE NEW MATTRESS SHEETS, CLOTHES, AND BLANKETS, OR TO EXCHANGE IT.
- 145) APPROXIMATELY BETWEEN 10 TO 17 MINUTES THAT ABREU TALK AND REPORT THE INCIDENTS WITH C.O. HAMILTON AND C.O. SZABICK AND HIS INJURIES AND PAINS. THE C.O. ROSPLOCK, KNOCK ABREU WALL AND SAY, OH YOU LIKE TALK WITH L.T.s? FUCKING YOU, SUCK MY DICK ABREU KILL YOURSELF, OR WE WILL GO KILL TO YOU. ETC.
- 146) C.O. ROSPLOCK SAY AND C.O. HAMILTON, SKUBIS AND SGT HODGES SEND YOU THIS AND NOT OF HOT WATER STARTED TO COMING OUT FROM ABREU SINK, AND HE KEEPS IT ON FOR A LONG PERIOD OF TIME.

- 147 > ABRU was yelling, STOP STOP STOP Please, you ARE BURNED me with HOT WATERS, STOP STOP, BUT ABRU ONLY HOOD "SUCK MY DICK BITCH, DIE" ABRU yell you will go, go to Jail for this HE RESPOND "I am Ready to go to PRISON, HA, HA, HA. AND HE LEFT.
- 148 > THIS C.O. ROOPLUCK PASS ALL THE NIGHT FROM APPROX 6:00 PM TO 10:45 BURNED ABRU WITH HOT WATERS OVER AND OVER MORE, AND MORE, KEEPING IT ON FOR A LONG TIME, FROM 5 TO TEN (10) MINUTES OR MORE, EVERY TIME HE COME. HE CAME APPROX 10 TIME OVER A PERIOD OF FOUR TO FIVE HOURS ONLY WITH THE PURPOSE OF BURN ABRU WITH HOT WATERS.
- 149 > ABRU SUFFERING INJURIES ON HIS FACE, NECK, CHEST, THORNS ON HIS ARMS AND HANDS, (IN DIFFERENT PARTS OF HIS BODY).
- 150 > ABRU ASKED BY MEDICAL ATTENTIONS **BUT** HE WAS DENIED THIS, OR IGNORED. OF A FORM DELIBERATE AND INDIFFERENT. AND THE SGT HODGES REFUSED TO MAKE MORE ROUNDS THAT NIGHT, OR COME FRONT ABRU CELL.
- 151 > ABRU FILED SICK-CALL REQUEST REPORTING HIS INJURIES AND THE INCIDENTS AND ALSO REPORTING THAT C.O. HAMILTON WAS DENIED FOODS.
- 152 > ON 3/06/2015 EARLY IN THE MORNING THE NURSE GLORY ALONG WITH C.O. HAMILTON ARRIVED FRONT ABRU CELL FOR THE SICK-CALL BECAUSE ABRU WAS PLACED OF ALL OUTSIDE CELL, IN A DEPRIVATION ORDER, SO HE WAS DEPRIVED OF ALL OUT CELL ACTIVITIES, SO UNDER THIS CIRCUMSTANCES, HE DON'T WANT REQUIRED WEAR THE SUITS.

- 153) Abreu showing his injuries to the nurse Geory, but CO Hamilton make sign to ~~she~~ to ignore Abreu, or not provide nothing Abreu. The nurse Geory Refuse to see or check or examine Abreu neck, chest, arms and face alleged that 'she cannot see him well due to the Plexiglass placed front Abreu cell doors/board.
- 154) Abreu was only able to show to nurse Geory his hand; red and injured due to the hot waters. She Refuse send out to the facility infirmary or allow him see a doctor or send him to an outside hospital, and also Refused to examine Abreu in a room where she can see Abreu complete body (example the situ has an examination room, but she Refused to use that room.
- 155) Nurse Geory Refused to provide Abreu with only medical care treatments attentions in all, and Abreu is not sure if she report the incident / injuries but Abreu keep one copy of the sick call and filed grievances and complaints regarding all this.
- 156) per laws, directives, and regulations or policy of DOJ when an inmate claims that a CO has assaulted him, or received excessive use force (forces) or be physically injured by a CO, or staff or civilian, the medical nurse ~~should~~ should be sent to all this to watch command captain office, the DOJ or superintendent. For that immediately photos of the injuries be taken, and all inmate injuries reports be filed in records along with the photos. However nurse Geory for try to cover up CO Hamilton and COs Rosphie and Szabick she refused to do, & failed to do her job and duty.

- 157) Abreu has continued filed sick call reporting this injuries and pains and others medical problems and symptoms, but Abreu has been denied of sick call services and the medical nurses now are not allowed again to walk or stand front Abreu cell or near to his cell by order of Defendants Umphre Brown Meyer Lucas, Keenan, Hodges, Meora, and Roberts.
- 158) This is very clear that they are trying to cover up this incidents, therefore Abreu is facing imminent danger, in this moments in which he is in the hands of this Defendants and medical staff.
- 158) The misconducts of all this Defendants above clearly violated Abreu 1st 8th and 14th Amend Rights, and violated the Federal and State laws.
- 159) Plaintiff Abreu Religion is Jewish, He receive Kosher meals/CAD the violations of his Religious meals on 3/4/2015, and 3/05/15 by C.O. Hamilton and Szablick **Allowed** and by Sgt Meora, and L.T Keenan is a clear violations of Abreu First Amend. Rights, and a violation of the RFRA / RLUIPA (Standards for Religious Freedom Claims)
- 160) ON 3/3/2015 THE C.O. J. MAKER, TRY TO PHYSICALLY ASSAULT ABREU IN A TIER III HEARING FRONT THE DEFENDANTS MR HILL, MR. SKUBIS, AND C.O. SANTIAGO. HE USED EXCESSIVE FORCE IN ABREU RIGHT ~~ARM~~ PULLED IN BACK along with the Belt attached to the handcuffs OF FORM COMPLETELY VIOLENT, PROVOKE PAINS IN ABREU BOTH HAND & WRIST, AND VERBALLY ABUSED ABREU WITH THREATS ABREU TOLD HIM CLEARLY THAT HE IS NOT HIS SON OR A CHILD FOR HE TALK HIM IN THAT WAY

161) C.O. MAYER CONTINUE THREATENING ABREU AND HARASSED HIM ALL THE TRIP FROM THE TIER III ROOM TO THE FRISK ROOM, WHERE ABREU WAS PLACED FOR TAKE OUT THE SUIT. 600 ABREU SAW TO C.O. MAYER ACTED TOO VIOLENT ABREU ASKED AND REQUESTED TO TALK WITH THE WATCH COMMAND, ALSO FOR REPORT THAT C.O. MAYER AND C.O. HAMILTON HAS GO INSIDE OF ABREU CELL AND TOOK / TOOKEN HIS WRITING PEN, FOR AVOID THAT ABREU CAN CONTINUE WRITING COMPLAINTS OR GRIEVANCES AGAINST WIND STAFF

162) ABREU WAS DENIED OF TALK WITH THE WATCH COMMAND, THE SGT / SARGENT MURRIS ARRIVED FROM THE FRISK CELL ABREU REPORTING HIM THE INCIDENTS, AND THE NEED OF A WRITING PEN EXPLAINED HIM THAT HE NEED TO DO HIS LEGAL WORKS.

163) ABREU WAS ADVISED THAT HE WILL RECEIVE A WRITING PEN HOWEVER ONCE TIME ABREU ARRIVED TO HIS CELL AND PLACED INSIDE OF HIS CELL HE WAS ADVISED THAT HE WILL RECEIVE NO PEN IN ALL, THEY SMILED WITH A MALICIOUS AND SODISTICAL SMILE, OR OR FROM EVIL PEOPLE

164) ON 3/4/15 ABREU RECEIVED A FALSE MISBEHAVIOR REPORT COMPLETELY MANIPULATE WRITTEN BY C.O. MAYER WITH CHARGES 106.10 DIRECT ORDER, AND 107.10 INTERFERENCE. THE REPORT WAS CLEARLY WRITTEN IN RETALIATIONS / REPRISALS AND FOR ALSO TO CAN COVER UP THE INCIDENTS THAT C.O. MAYER STARTED NOT ABREU.

165) THE MISCONDUCTS OF C.O. MAYER AND C.O. HAMILTON OF TOOK ABREU PEN INTENTIONALLY & IN BAD FAITH FOR AVOID THAT ABREU CAN WRITE VIOLATE ALSO ABREU 1ST AMEND. # (351

- 166) ON 3/10/2015 THE Captain Meyer CONDUCTED THE DISCIPLINARY HEARING REGARDING C.O. MEYER TICKET REPORT. THE HEARING WAS CONDUCTED OUTSIDE OF ABBRU PRESENCE BECAUSE C.O. MEYER ALLEGED ON 3/10/2015 THAT ABBRU HAD REFUSED TO ATTEND TO HIS HEARING WHEN NONE OF THIS IS TRUE. IN NO TIME HAVE ABBRU REFUSED TO ATTEND TO HIS HEARING AND IN NO TIME HAVE ABBRU SIGNED A REFUSAL FORM. AND IN NO TIME THE HEARING OFFICER VERIFIED WITH ABBRU IF HE HAS REFUSED TO ATTEND TO THE DISCIPLINARY HEARING ON 3/10/2015.
- 167) THE RECORD INDICATED THAT C.O. MEYER ALLEGED THAT ABBRU REFUSED TO ATTEND THE HEARING. THE C.O. MEYER WAS THE SAME AUTHOR OF THE TICKET REPORT SO HE DON'T ALLOW TO ABBRU TO ATTEND TO THE HEARING INTENTIONALLY, AND IN BAD FAITH.
- 168) SO, ABBRU DUE PROCESS RIGHTS AND HIS CONSTITUTIONAL RIGHTS WERE VIOLATED BY THIS DEFENDANTS. UNDER THE 1ST, 5TH, AND 14TH AMEND RIGHTS
- 169) THE DEFENDANT WILSON HAS STARTED TO DENIAL ABBRU ACCESS TO THE COURTS AND ACCESS TO THE LAW LIBRARY ALL INTENTIONALLY ALONG AND TOGETHER WITH THE DEFENDANTS CONNOLLY, CROWLEY, HILL, LEMPKE, BOLL, ANNICCI, AND BRUNIER
- 170) THE DEFENDANTS WILSON, CROWLEY, HILL, CONNOLLY, LEMPKE, BOLL, ANNICCI, AND BRUNIER HAS STARTED TO DENIAL LEGAL COPIES TO ABBRU AND TYPING SERVICES, IN BAD FAITH.

- 171) > AFTER ABREU WAS RETURNED FROM THE COURT TRIP / MHA OBS. CELL FROM DOWNSTATE C.F. IN JANUARY 2015 THE DEFENDANTS HAS ENGAGED IN AN OPEN CONSPIRACY AND RETALIATIONS IN DENIED ABREU LEGAL COPIES AND TYPING SERVICES, EVEN WITH COURT ORDERS, LEGAL DEAD LINE, AND STATUTES OF LIMITATIONS
- 172) > THIS VIOLATIONS CONSTITUTIONALS HAS ALREADY TWO (2) MONTHS FROM JANUARY 2015 TO THE PRESENT MARCH 2015.
- 173) > THE DEFENDANTS WILSON, CONNOLLY, CROWLEY, HILL AND LEMPKER, HAS CONFISCATED FOUR (4) MANILA ENVELOPES THAT ABREU SENT TO THE LAW LIBRARY IN WANDA C.F. FULL OF THE LEGAL DOCUMENTS ASKED AND REQUIRED LEGAL COPIES THEY HAS HOLD / CONFISCATEDS THIS LEGAL DOCUMENTS ALREADY FOR AN ENTIRE MONTH, REFUSED TO PROVIDE ABREU LEGAL COPIES TYPING SERVICES, AND RETURN IT BACK TO ABREU.
- 174) > ABREU HAS FILED ALOT OF LETTERS, AND COMPLAINTS TO CONNOLLY, CROWLEY, HILL, LEMPKER, ANNUNCI, BOLL, BRINER, AND LUCAS, ASKED TO THEY WHAT IS GOING ON WITH THE LEGAL COPIES, THE TYPING SERVICES OR ABREU LEGAL DOCUMENTS, AND ASKED TO THEY TO RETURN IMMEDIATELY ALL ABREU LEGAL DOCUMENTS, THE WHICH HE IS IN NEED.
- 175) > THE DEFENDANTS ABOVE HAS REFUSED AND FAILED INTENTIONALLY AND IN BAD FAITH TO RESPOND OR ANSWER TO ABREU LETTERS AND COMPLAINTS. AND THE LAW LIBRARY STAFF HAS DID THE SAME ABREU FROM FEBRUARY 2015 TO THE PRESENT MARCH 2015.

- 176) Abreu Has Filed multiple grievance complaints regarding all this too but still the inmate grievance program not want to assist or help Abreu in ~~this~~ issue or matters alleged that the legal documents are held / confiscated due to investigations in what Abreu is trying to do with his legal documents
- 177) This Defendants are Reading Confidential legal documents between Abreu, the Courts, legal organizations and attorneys. Violated clearly Abreu Constitutional Rights, AND Attorney Privileges.
- 178) The Defendants are doing all this without Abreu consents AND without Abreu permits.
- 179) This Defendants has confiscated legal documents AND paper works in the past. Between January / Feb 2015 without Abreu consents AND permits AND refused to the present to return back this documents to Abreu.
- 180) This Defendants has searched Abreu legal documents AND paper works in violation of the 1st, 4th, AND 14th Amend. Rights.
- 181) The Defendants continues with the same misconducts to the present, AND this refused OR failed to stop this unconstitutional violations AND practices
- 182) This Defendants continue to the present interferenced / interfering with Abreu Constitutional Rights of access to the courts AND OF access to the legal system.

183 > The DEFENDANTS CONTINUE DENIED ABREU ACCESS TO THE LAW LIBRARY, TYPING LEGAL COPY MACHINE, AND LEGAL ASSISTANCE AND TO LEGAL SUPPLIES, eg Pen, writing papers, carbon papers, envelopes AND OTHERS FORMS.

184 > UPON INFORMATION AND BELIEF, THE DEFENDANTS HAS STARTED THIS MISCONDUCTS AGAINST ABREU IN RETALIATIONS / REPRISALS BECAUSE ABREU HAS FILED MULTIPLE GRIEVANCES AND COMPLAINTS AGAINST THEM AND THE LAW LIBRARY. AND ARE TRYING TO INTERFERE WITH ALREADY ACTIVE OPEN CASES, ACTIONS, PROCEEDINGS, OR CLAIMS.

185 > THE DEFENDANTS MISCONDUCTS, IN VIOLATED ABREU CONSTITUTIONAL RIGHTS HAS INCREASED THE DEFENDANTS COMPEL CROWLEY, HILL, LUCAS, SOWA, HOGES, MEARA, GREGOIRE, BROWN, KEENAN, SCHUMACHER, ROBERTS, FREEMAN, AND MEYER, MAKING ROUNDS REGULARLY IN THE SHU. ABREU HAS AN INTAILED MONTH REGULARLY SPOKED WITH THEM REGARDING C.O. WILSON MISCONDUCTS THE SGT CONNOLLY MISCONDUCTS REGARDING THE LEGAL COPIES, LEGAL SUPPLIES, TYPING SERVICES AND ABREU LEGAL DOCUMENTS, BUT THEY ONLY HAVE TOLD ABREU PERSONALLY, FACE TO FACE ABOUT ABREU CELL THAT THEY DON'T WILL GO BE INVOLVED BETWEEN THE PROBLEMS OF SGT CONNOLLY AND C.O. WILSON AGAINST ABREU AND THAT THEY DON'T WILL GO TO INTERFERE IN THE DECISIONS OR DETERMINATIONS OF SGT CONNOLLY AND C.O. WILSON, AGAINST ABREU NEITHER, THE WHICH SHOW CLEARLY THE CONSPIRATIONS.

186 > THE INMATE GRIEVANCE PROGRAM (IGRC MEMBERS) INFLUENCED BY THE ADMINISTRATION HAS DETERMINED SIMILAR DECISIONS ABOUT ALL THIS ALONG WITH THE FACILITY SUPERINTENDENT.

187) The Central Office Authorities from the Docs such as Defendants Annucci, Boll, Beilinder, McKay. Inspector General Office, Counsel's Office etc, has be silenced, About all and each of this misconducts from Law Library staff, eg C.O Wilson, Sgt Connolly the Facility Administration eg, Sgt Umke, DSA Brown, Capt. Meyer, DSP Crowley, DSA Schumacher, ADSP Hill, Lt Lucas, Lt. Sowa, And SHU Supervisors, Against Abreu.

188) Abreu has written to Central Office Authorities in Docs Albany, Approx more of 10 letters of complaints reporting all this misconducts in under C.F / SHU against Abreu, and Abreu has also written several time to the Docs Director Librarian Service, for two entired months, but they has intentionally and in bad faith refused to respond or answer to Abreu letters of complaint.

189) The Correction Law 112 Direct and Mandated to the Docs Commissioner and his Administrative Teams to Investigate and Respond to Prisoners' Complaints and Letters of Problems and Incidents Happened in Facility Levels, And not only that they has further knowledges that Abreu has treated or tried from all the resource of resolve the problems in the Facility level before to write to they to Albany, but this don't has worked in all, showing clearly the open conspiracy and deliberate indifference from this Defendants to Abreu Complaints. Rights and Laws of the United States And New York State, and of his Rights of Access to the Courts.

190) The Docs Directive #0700, Mandate to they also Investigate Complaints.  
# (407)

- 191) SO THE DEFENDANTS ARE OPENLY REFUSED TO FOLLOW THE LAWS, THE CONSTITUTIONS AND THEIR OWN DIRECTIVES OR POLICY.
- 192) ABREU HAS BEEN INJURED IN HIS CLAIMS. ABREU HAS FOR EXAMPLE THAT FILE 7 (SEVEN) ARTICLE 78 PETITIONS AND EXHIBITS ATTACHED TO THIS ART. 78 PETITIONS, THE WHICH ALSO ARE CALLED SUPPORTING DOCUMENTS.
- 193) DUE TO THE DEFENDANTS MISCONDUCTS IN DENIAL ABREU LEGAL COPIES AND HOLDING AND CONFISCATED ARBITRARILY AND CORRUPT legal documents ABREU MISSED THE STATUTES OF LIMITATIONS. FOR HE CAN FILE HIS ARTICLE 78 CHALLENGED THE MISBEHAVIOR REPORTS, OR DISCIPLINARY HEARING.
- 194) ABREU HAS MISSED ALSO THE STATUTES OF LIMITATIONS IN ARTICLE 78 PETITIONS FOR CHALLENGE THE CONDITIONS OF HIS CONFINEMENTS IN WARD C.F., AND FROM CORRECTIONS FROM ALBANY.
- 195) ABREU HAS MISSED ALSO OTHERS SEVERAL STATUTES OF LIMITATIONS FOR HE CAN FILE COURT OF CLAIMS IN THE COURT OF CLAIMS REGARDING OR ABOUT LOSS PROPERTIES MISSING BELONGING PERSONAL PROPERTIES, DAMAGES OF BELONGING PERSONAL PROPERTIES AND OTHERS CLAIMS REGARDING HIS CONDITIONS OF CONFINEMENTS IN WARD C.F. SUCH E.G. MEDICAL NEGLIGENCE, MALPRACTICES AND MENTAL HEALTH NEGLIGENCE, ASSAULTS, BATTERED, ETC.
- 196) ABREU HAS ~~AND~~ CONTINUE EXPLAINED TO THE DEFENDANTS OF THE STATUTES OF LIMITATIONS OF THE NEED OF COPIES, OF THE NEED OF AN EXHIBIT AND SUPPORTING DOCUMENTS TO HIS PETITIONS AND CLAIMS, BUT THEY INTENTIONALLY HAVE IGNORED ABREU

- 197 > Abreu also has explained multiple time, and showed to the defendants evidences and proofs that he need also copies for his Habeas Corpus petitions and this exhibits and supporting documents that he need to attach to this petitions. The which are original documents, the which Abreu cannot to attach if original documents, only copies, he will to attach.
- 198) Abreu have explained to the defendants verbally and in written, that the courts from supreme court to federal courts and clerk and judges from courts that he cannot to attach original documents to his pleadings, i.e. complaints / petitions. Claims etc because the courts / they don't will go to return it back to him, and will not provide him free copies of this original documents, that he can only attach, enclose or send "copies", not original documents.
- 199 > The courts has also explained clearly to Mr Abreu that it is his responsibility to keep one copy for his records of / from all petitions exhibits claims complaints letters documents supporting papers etc that he submit to the courts.
- 200 > However the defendants refused to accept, or consider, or follow, or respect, this court orders, or explanation of / from courts, judges, clerks of courts and court rules. Even plaintiff Abreu show copies of this letters in the past to this defendants and even Abreu attached copies of it court orders or letters from courts in his grievance complaints. However the defendants continue to the present with this misconducts.

- 201) Recently the Court of Claim in Albany has ordered to Abreu and to the Attorney General Office, to exchange documents each others and to start discovery in four (4) pending claims.
- 202) The Defendants Crowley, Wilson Hill Connolly and Lemke has refused to grant Abreu request for copies of the documents papers medical records mental health records, grievances letters etc. that Abreu has that sent to the Attorney General Office, even they reading and saw with they own eyes the court orders.
- 203) Abreu, recently also received two (2) court orders from the Seneca Supreme Court and Cayuga Supreme Court ordered Abreu to serve copies of the complaint exhibits and all supporting documents upon the Defendants and upon the Attorney General Office.
- 204) However the same Defendants above refused to provide Abreu with the legal copies of the complaints exhibits and supporting documents even Abreu showing to them the court orders in their own in the state even Abreu sending letters to them explained all this and the deadlines but still they refused provide Abreu with the necessary copies, and failed or refused to allow that it go out via certified mail return receipt such as the court has also ordered.
- 205) Abreu has also received two (2) article 78 petitions, exhibits and supporting papers, along with a court order from Albany Supreme Court ordered Abreu the services of all this documents.

- 206) THE ORDER TO SHOW CAUSE ORDERED THAT ABREU SERVE ALL THIS PETITIONS AND DOCUMENTS UPON EACH DEFENDANTS AND UPON THE ATTORNEY GENERAL OFFICE, BUT THE DEFENDANTS HAS IGNORED THE COURT ORDERS, IGNORED ABREU REQUEST FOR LEGAL COPIES AND REGULARLY RETURNED ALL THIS TO ABREU BACK WITHOUT ANY EXPLANATIONS IN ALL WITHOUT ANY REASONS FOR THE DENIAL, OR DISAPPROVE.
- 207) THE ARTICLE 78 PETITIONS ARE ABOUT ABREU CHALLENGED HIS POST RELEASE SUPERVISION ALLEGED VIOLATIONS AND A TIER III HEARING ALONG WITH A GRIEVANCE COMPLAINT CHALLENGED STAFF MISCONDUCTS.
- 208) THE DEFENDANTS HAS STARTED ALSO TO KEEP HIDE AND CONFISCATED THE ORIGINALS COURT ORDERS THAT ABREU SENT TO THEM FOR REVIEW AND VERIFICATIONS OF THE COURT ORDERS. REFUSED TO PROVIDE IT ~~ORDERS~~ / COURT ORDERS BACK TO ABREU, ABREU IS FORCED TO SENT TO THEM THE 'ORIGINAL' COURT ORDERS BECAUSE THEY ARE REFUSED TO PROVIDE COPIES TO ABREU.
- 209) ABREU HAS SENTING AND FORWARDED COURT ORDERS FROM THE THIRD DEPARTMENT AND FOURTH DEPARTMENTS APPELLATE DIVISIONS ORDERED ABREU TO FILE WITH THE COURTS, TYPEWRITTEN BRIEFS, PLUS THE NECESSARY COPIES OF THE BRIEFS WITH ONE COPY OF THE BRIEFS FORWARDED UPON THE ATTORNEY GENERAL OFFICE. HOWEVER THE DEFENDANTS HAS REFUSED TO PROVIDE ABREU THE TYPEWRITTEN BRIEFS, AND THE LEGAL COPIES ALSO.
- 210) EVEN THE COURT RULES, AND CPLR 1102 (B) REQUIRE PER LAW AND STATUTES THE TYPEWRITTEN BRIEFS IN APPEALS THE DEFENDANTS REFUSED TO FOLLOWED ALL THIS.

211 > Abreu, Has written multiply time over and over to the DOCS Commissioner Annucci, Deputy Commissioner And Counsel M.J. Boll to the Counsel Office, to the Deputy Commissioner for Correctional Services State wide MR Bellnier to the DOCS Law Library Coordinator, explained all this and sending the court orders to they attached to Abreu complaints and letters, but they simply has ignored Abreu and his multiply complaints of a form deliberate and indifference, to Abreu U.S./ N.Y Constitutional Rights of Access to Courts. And of Access to the legal system and of Access to the Law Library services.

212 > Recently the Defendants in whole of has started to telling Abreu for first time that the reasons why they are denied Abreu, legal copies and to mail out his legal documents are because has a debt to the state of \$1,000 dollars in alleged legal copies and a debt to the state of 500 dollars in legal postages, in Advances Request for legal copies and legal postages and that Abreu don't have no money in his account for to pay all this.

213 > So now the Defendants admit that they are intentionally denied Abreu access to the courts now they admit that they are interfering with Abreu access to the courts and Law Library, now they admit that they are doing so simply because Abreu is a poor person with zero money in his account, for can pay legal copies and legal postages. Now they admit that they are openly discriminated Abreu for the simple mode that he is a poor person in prison.

214) > However there are other problems why has they hold and confiscated Abreu court orders? why they has hold and confiscated Abreu legal documents for months waiting still the statutes of limitations or dead line expired? why they refused to respond or answer or reply in written the reasons for the denial of legal copies? And why they to the present continue of a form arbitrary capricious, and on abuse of discretions or of a form intentional and in bad faith interfering with Abreu court orders from court with state laws? with the constitutions? with the court rules? and with Abreu rights of access to courts and law library services?

215) > The defendants has further knowledge that the Attorney General office of the State of New York is who represent the interest of the state and does and prisons and this staff employees civilians and uniformed, who also represent to they in the courts, lawsuits claims and petitions filing by an inmates, against they. So why they continue denied copies of documents petitions exhibits complaints claims let that Abreu need mandatory for court orders court rules, and N.Y statutes or laws to serve upon the Attorney General office such copies, not only when the process of litigation start but also in all submission of pleading motions documents, papers, let that Abreu sent to the courts, need to serve all all this upon the Attorney General office including in discovery process, or summary judgments.

216) > So this is hard to believe that all this is based only in debts to the state, this is based in a clear and open retaliation and intentional interference  
# (46)

217 > There are PRISONERS IN THE STATE PRISON THAT HAS A DEBT OF NOT ONLY 1,000 DOLLARS, BUT STILL OF 10,000 DOLLARS OR MORE IN LEGAL COPIES AND LEGAL POSTAGES AND STILL THE STATE DON'T INTERFERE WITH ACCESS TO THE COURTS IN ALL, AND CONTINUE PROVIDED TO THEM LEGAL COPIES AND LEGAL POSTAGES. eg. Inmates such as MITCHELL J. KALWASINSKI # 82A-4795, AND INMATES, such as eg. ~~MR~~ Injah TAFORI, etc.

218 > SO THE EXCUSES OF THE DEFENDANTS DON'T HAVE ANY SENSES OR MERITS IN ALL, AND ARE WITHOUT MERITS. BECAUSE 1,000 DOLLARS REALLY IS NOTHING. ABREU WILL GO TO PUT A GOOD EXAMPLE IN 2011 ABREU HAS A DEBT OF \$9,500.00 DOLLARS TO THE STATE BETWEEN LEGAL COPIES POSTAGES COURT FEES ETC. PLAINTIFF RECEIVE A CHECK OF 12,000 DOLLARS FROM A COURT SETTLEMENT, ABREU PAY COMPLETELY THE \$9,500.00 DOLLARS IN COPIES, POSTAGES AND FEES TO THE STATE DOCES, AND TO THE COURTS.

219 > RECENTLY THE FEDERAL COURT JUDGE FROM THE U.S. DISTRICT COURT SOUTHERN DISTRICT HON. PAUL G. GORDERPH Case # 11 CIV-5204 ABREU v. CITY OF NEW YORK STATE COURT ORDER OF MARCH/2015. HE GAVE TO ABREU CREDITS THAT ABREU HAS PAY \$9,000.00 TO THE STATE AND DOW AND COURTS IN COPIES, FEES AND POSTAGES. HE DENIED DEFENDANTS MOTIONS TO DISMISS THE CASE AND SCHEDULED THE CASE FOR A HEARING, FOR POSSIBLE SETTLEMENTS OR CONTINUE THE DISCOVERY PROCESS AND GO TO TRIAL.

220 > SO, THIS IS VERY CLEAR ABREU ALWAYS PAY HIS DEBTS TO STATE DOCES AND COURTS. SO, THERE IS NO NEED OF WASTE OF AND DOCES AND THE DEFENDANTS IN DENIAL ABREU LEGAL COPIES.  
# (47)

221) > Moreover Abreu believe that the Law Library has increased the amount of money alleged in ~~DEBT~~ by Abreu. They has denied Abreu to show copies of all and each of the Advance Request forms that he alleged has filed and signed authorized the Advance for legal copies. for order to be collected back when Abreu receive only money in his inmate account.

222) > The only way that prison officials can collect any money in legal copies is if Abreu sign and fill on advance request form for legal copies authorized to prison officials/Law Library to collect such money and deduct the amount in any future incoming, without this authorize they cannot to do so.

223) > However ~~Defendants~~ has refused to allow Abreu receive or review such advance request forms ~~copies~~ with his signed attached to it. They only alleged it is what the computer and records say. Abreu to disagree because computer and records the which don't have any of Abreu signatures, can be easily manipulated and/or overstated. The issues here is that they need to show copies of all and each advance request forms with Abreu signature approve the amount of \$ for legal copies in each request. If the ~~defendants~~ is unable to show that copies of the Advance Request forms with Abreu signature then the amount in the computer and records is completely invalid and overstated. by the ~~defendants~~ maliciously, in bad faith and intentionally, against Abreu. about the alleged \$1,000 dollars only in legal copies that they alleged that Abreu debt to the state.

#148,

224 > The Defendants are also interfering with 14 Prisoners Appeals that Abreu has pending in the N.Y.S. Supreme Court Third Department Appellate Division, and others Prisoners cases, actions, claims and petitions/proceedings that Abreu has active and open in other courts.

225 > The Defendants has further knowledge about all this because Abreu has provided to them the list of active cases and/or open cases the Counsel office, has also the computers and records, and informations regarding those open and active cases, claims, actions, proceedings, complaints and petitions that Abreu has in courts in civil and criminal courts.

226 > So, Docs, under C.F. Law Library and this Defendants cannot to allege or excuse that they don't have any knowledge of such cases that Abreu is litigated, and those that Abreu need to litigate and those that the Attorney General who represent to the Defendants has knowledge also of all this.

227 > All and each past, present and future cases that be dismissed or that are dismissed or that the statute of limitations, and those the which dead line has expired the Defendants will be liable of all this. Each and all cases that Abreu has mentioned and not mentioned has merits and are good and meritorious claims, including those claims in courts or those that Abreu is trying to sue for to release from prison or reverse those tickets for to release from the SHU to general population, has also merits and good cases.

# (49)

228 > THE FIRST AMENDMENT GUARANTEES THE RIGHT "TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES". PRISONERS HAVE A CONSTITUTIONAL RIGHT TO FILE PETITIONS WITH THE COURTS INCLUDING APPEALS, POST-CONVICTION APPEALS, HABEAS CORPUS PETITIONS TO ATTACK THEIR SENTENCES, DIRECTLY OR COLLATERALLY, AND IN ORDER TO CHALLENGE THEIR CONDITIONS OF CONFINEMENT, AND FILE CIVIL RIGHTS LAWSUITS.

229 > THE SUPREME COURT HAS HELD THAT THE RIGHT OF ACCESS TO COURTS IS A VERY IMPORTANT RIGHT SINCE IT THEORETICALLY PROTECT ALL PRISONER RIGHTS. AND THAT THIS RIGHT EXTENDS TO ALL CATEGORIES OF PRISONERS AND IT IS SUPPOSED TO BE ADEQUATE, EFFECTIVE AND MEANINGFUL.

230 > THE SUPREME COURT HELD IN BOUNDS V. SMITH THAT PRISON AUTHORITIES HAVE AN AFFIRMATIVE OBLIGATION TO "ASSIST" INMATES IN THE PREPARATION AND FILING OF MEANINGFUL LEGAL PAPERS BY PROVIDING PRISONERS WITH ADEQUATE LAW LIBRARIES OR ADEQUATE ASSISTANCE FROM PERSONS TRAINED IN THE LAWS. IT HAS ALSO HELD THAT INDIGENT INMATES MUST BE PROVIDED AT "STATE EXPENSE" WITH PAPER AND PEN TO DRAFT LEGAL DOCUMENTS WITH NOTARIAL SERVICES TO AUTHENTICATE THEM, AND WITH "STAMPS TO MAIL THEM"

231 > MANY OTHERS COURTS IN THIS DISTRICT, AND OTHER DISTRICT COURTS HAS ALSO HELD THAT PRISON OFFICIALS CANNOT OBSTRUCT CLAIMS OR LAWSUITS CANNOT TO RETALIATE AGAINST PRISONERS WHO FILE THEM; CANNOT TO FRUSTRATE OR IMPED LAWSUITS CLAIMS OR PETITIONS FILED OR OVERDUE FILED IN THE COURTS, AND HOLD THAT THE RIGHTS TO COURT ACCESS DOES NOT STOP WHEN A PRISONER FILE A COMPLAINT, CLAIM, OR PETITION.

232 > THIS COURTS AND DISTRICTS HAS ALSO HELD THAT STATE, GOVERNMENT AND PRISON OFFICIALS ARE PROHIBITED FROM INTERFERING WITH PEOPLE'S AND/OR PRISONERS EFFORTS TO USE THE COURTS. THAT PRISONER HAS A RIGHT TO BE FREE FROM INTERFERENCE WITH COURT ACCESS.

233 > AND THAT PRISON OFFICIALS MAY NOT RETALIATE AGAINST PRISONERS FOR USING THE COURTS OR TRYING TO DO SO. BECAUSE THE PRISONERS HAS A 'RIGHT' TO BE FREE FROM RETALIATION OR REPRISALS FOR USING THE COURT SYSTEM OR THE GRIEVANCE SYSTEM, THE SUPREME COURT HAS EXPLAINED "THE REASON" WHY SUCH RETALIATION OFFENDS THE CONSTITUTION IS THAT IT THREATENS TO INHIBIT EXERCISE OF THE PROTECTED RIGHT. ... RETALIATION IS THUS AKIN TO AN 'UNCONSTITUTIONAL CONDITION' DEMONDED FOR THE RECEIPT OF A GOVERNMENT-PROVIDED BENEFIT.

234 > ADDITIONALLY IT IS INDISPUTABLE THAT INDIGENT INMATES MUST BE PROVIDED AT STATE EXPENSE WITH FREE POSTAGE, LEGAL COPIES, AND LEGAL MATERIALS, SUCH AS 'PAPERS AND PEN TOO. AND PRISON OFFICIALS MUST PROVIDE A MEANS FOR PRISONERS TO MAKE SUFFICIENT LEGAL COPIES OF PAPERS TO COMPLY WITH COURT RULES, COURT ORDERS, AND STATUTES SEE EG. COLLINS V. GOOD 438 F. SUPP. 2d 399, 417 (S.D.N.Y. 2006). CANEIL V. MOUNTNOMAH COUNTY, 141 F. SUPP. 2d 1046, 1056 (D. OR. 2001) >, HORRINGTON V. HOLSHOUSE, 741 F.2d 66, 69, (4TH CIR 1984)

235 > AND THAT IF COURT RULES OR STATUTES REQUIRES APPEALS/BRIEFS OR DOCUMENTS TO BE TYPEWRITTEN THE DENIAL OF SUCH SERVICES BY PRISON OFFICIALS TO TYPEWRITER SERVICES WOULD DENY COURT ACCESS SEE EG. JOHNSTON V. LEHMAN, 609 A.2d 880, 883 (P.A. CMWLTH. 1992).

- 236 > For last about this claim of law library and defendants misconducts regarding access to the courts is that the defendants has alleged that 'only court orders that pass the 100 days. They don't will go to provide Abreu legal 'copies' or legal services, and they don't will go to mail it to the courts, or only defendants, or attorney General office
- 237 > This order written by the defendants are completely arbitrary, capricious, on abuse of discretions., and a clear proofs, and evidence for this court that the defendants are interfering with 'Abreu access to courts and interfering, with open and actives' cases.
- 238 > KRITLY CARTS DON'T provide court orders like that. Judges are very busy in courts with 100's of others cases that held or hear. So, ask to a judge or judges for multiply court orders; still the defendants are satisfied is arbitrary and capricious., and without any sense.
- 239 > Some courts and appropriate divisions has further knowledges of the problems that Abreu has faced for get legal copies or typewritten BRICKS that they has stopped to put in this court orders only legal deadlines, even if this violated they own court rules, or statutes. Courts has power to waive 'rules and toll statutes of limitations for the submissions of documents if PRISONERS show a good causes. The which Abreu has showed also the judges 'has further knowledges that Abreu has multiply other open cases, that Abreu also need to litigate, so, when they don't provide to Abreu is deadline this is a mess for for Abreu

240) Because the court order without a Deadline attached it, let Abren the open door or file the Briefs, or papers etc, when he have the time to do so.

241) However the Defendants don't understand this and are acted like the lawyers or attorneys or all the Defendants state wide, when only the Attorney General office can to do so pursuant to the correction law § 24 not the Defendants they cannot to attach any other requirements that the court orders not has attached to it orders or that the Judge not has ordered neither

242) Example if the court ordered to Abren to serve the petition or complaint or claim upon each Defendants or respondents and upon Attorney General office and don't require any deadline for to do so why the Defendants (prison officials) will go to attach to it order a deadline?

243) Other example if Abren need to file 14 Appellant's Brief in the Appellate Division but they in considerations, don't place a deadline in this orders, for provide Abren all the time necessities for he file the 14 B when he want to do so, so why the prison officials need or want to attach a deadline to it? and allege oh that order is old it has passed 120 days already, you not will go get copies, or type services or legal packages for send it to the courts, when the court don't have alleged any deadline in the orders. Moreover, this are defenses, or objections that the Attorney General office, need bring to the court/Judge, not the prison officials, that also are not Defendants example in that particular case.

#153)

244) So, this is very clear that the defendants in this case are intentionally interfering with Abreu access to the courts acted without or with any jurisdictions in attach extra requirements to the court orders signed by judges. When they also has check in the legal computer that it cases continue open and actives in the courts and that the courts don't has dismissed it, due to alleged 120 days.

245) Federal cases claims and now still article 78 petitions take years, and years for litigate still a finish decision, order, or judgment. Example Abreu has a federal case in the Southern District Court open from the year 2004 (11 years already) the case is Abreu v. Nichols the which Abreu and defendants in Abreu v. Nichols continue litigated. So, thinking of Abreu asked to the court in Nichols for a court order every time he need send legal documents or copies upon the Attorney General. For he can litigate his case for 11 years? if Abreu do, so this judge don't will go have only time for other cases, rather that for Abreu only case.

246) Abreu believe that he is in need only of show to prison officials that the case or action or proceeding or claim continue open or active, the which he continue litigate, and that he is in need of send always a copy upon Attorney General office, and keep one copy for his own records of all documents papers, briefs, motions etc that he submit to the courts. Not that he need an update court order every time he is in need of send to the courts and Attorney General office, a motions, pleadings, amended complaints, briefs, documents papers, discovery, or others informations. Moreover even with a court orders, they want to desire of determine what Abreu can send or not send or copies that they want only copies.

#154)

247) The Defendants want only provide Abreu Copies of ONLY OF THE DOCUMENTS THAT THEY WANT NOT THE DOCUMENTS THAT THE COURT HAS ORDERED Abreu serve in each Defendants / Response. Example if Abreu file an ORDER 78 AND ATTACHED 100 PAGES OF EXHIBITS, Example Grievances, Opposes, CORE DECISIONS, SUPERINTENDENT DETERMINATIONS, IGRC DECISIONS, THE LETTERS PROVIDED FROM THE RESPONSES AND ALL OTHER DOCUMENTS THAT SUPPORT THE PETITION. THE COURT MAKE AN ORDER TO SHOW CAUSE ORDERED THAT Abreu SHALL SERVE THE ORDER TO SHOW CAUSE, THE PETITION AND ALL AFFIDAVITS, POTTERS EXHIBITING AND ~~SUPPORTING~~ DOCUMENTS UPON each Responses / AND UPON A.G. OFFICE

248) The Defendants even HAS THE COURT ORDER, THEY WANT ONLY PROVIDE Abreu COPIES OF THE ORDER OF SHOW CAUSE, AND MAYBE THE PETITION, BUT NOT OF THE 100 EXHIBITS, AND SUPPORTING DOCUMENTS. BECAUSE THE COURT DON'T SPECIFIED WHICH ARE THE EXHIBITS AND SUPPORTING DOCUMENTS. OR BECAUSE THE COURT DON'T SPECIFIC THAT THERE WERE 100 PAGES OF EXHIBITS AND WHICH ARE THE PAGES THAT THE COURT NEED TO BE COPIED FROM IF 100 PAGES.

249) Thinking OF A Judge SO, BUT SUCH AS THEY ARE, IN MENTIONED IN AN ORDER, PAGE BY PAGE OF ONLY EXHIBITS AND SUPPORTING DOCUMENTS AND WHAT THEY ARE, GRIEVANCES, LETTERS, DECISIONS ETC.? NOW Abreu IS UNABLE CAN SERVE THE EXHIBITS UPON RESPONDENTS OR A.G., AND ONLY FOR THIS SMALL FAILED THE COURT DENIES THE PETITION. ALL THIS HAS HAPPENED Abreu IN THE PAST EVEN WITH MERITORIOUS CAUSE OF ACTION AND GOOD CLAIMS, BECAUSE COURTS ARE VERY STRICT IN THEIR ORDERS. EVEN Abreu EXPLAINED TO THEM THE PROBLEMS. SO, Abreu IS DENIED ACCESS TO COURT BY DEFENDANTS.

# (55,

250) THIS COURT WILL ALSO NOTE, THAT IN NEW YORK CITY PRISONS AND JAILS, SUCH AS Rikers Island Correctional Facility WHERE PASS EVERY YEARS 1,000<sup>s</sup> AND 1,000<sup>s</sup> OF PRISONERS ALL THE LEGAL COPIES FROM THE LAW LIBRARY ARE COMPLETELY FREE OF COST FOR INDIGENT PERSONS / PRISONERS. BECAUSE THEY DON'T FOUND ANY DIFFERENCE IN PROVIDED FREE PAPERS, PH AND CARBON PAPERS AND THEN REFUSED TO PROVIDE LEGAL COPIES. EXAMPLE THEY BELIEVE THAT THEY LOSS LESS MONEY IN PROVIDED LEGAL COPIES FREE OF COSTS THAN PROVIDED 100<sup>s</sup> OR 1,000<sup>s</sup> OF CARBON PAPERS WHERE THE CARBON PAPERS ARE MORE EXPENSIVE THAN THE OWN INKS USED BY THE PHOTOCOPY MACHINES. SO, THEY ALLOW TO PRISONER TO DESIRE CARBON PAPERS OR LEGAL COPIES? THE WHICH WILL BE FREE OF COST ANY WAY.

251) IN DOWNSTATE CORR FACILITY THE WHICH IS A STATE PRISON UNDER DOCS. THEY PROVIDE UNLIMITED POSTAGES FOR LEGAL MAILS AND PERSONAL MAIL, FREE OF COST TO ALL INMATES. WHILE AN INMATE IS IN DOWNSTATE C.K., ALL AND EACH LEGAL OR PERSONAL CORRESPONDENCES IS FREE OF COST, NO MATTER IF THE INMATE IS THERE ONE WEEK, ONE MONTH SIX MONTH OR ONE YEAR OR YEARS, ALL POSTAGES ARE FREE FOR INMATES.

252) THE MORE INTERESTING OF ALL THIS THAT THIS INCLUDE PERSONAL CORRESPONDENCE, THE INMATE DON'T NEED TO SIGN ANY ADVANCE REQUEST FORMS, ONLY DISBURSEMENT AND NO MATTER HOW MUCH MONEY HE HAVE IN THEIR ACCOUNT THE INMATE NEED ONLY PLACE/PUT THE MAIL IN THE MAIL BOX AND THAT IT, THIS SERVICE INCLUDE TO ALL INMATES SO EVEN INMATE WHO INDIGENT GET THIS FREE POSTAGES/SERVICES. IN DOWNSTATE 1,000<sup>s</sup> & 1,000<sup>s</sup> OF INMATES PASS EVERY EACH YEAR FOR DOWNSTATE.

253 > So, this is very clear with the defendants don't want to Denial access to the courts to inmates they can do, And when they don't want to limit to prisoners contact with their family loved one, ~~OR~~ with access to the outside world's they can do so if they want to do so, all that free Postages in Downstate C.F. is paying by the state not by DOCs OR Downstate C.F. Administration, and all that free copies provided to prisoner upon request for legal copies, And access to the courts are paying by the New York City, not by Riker Island C.F.

254 > The same apply to Wende C.F. all this advance request for legal copies And legal Postages are pay by the state not by Wende C.F. or by Albany. However the copies And Postages for legal copies really are not free in all inmates need to pay for all this copies And legal Postages any way. Every time they receive any money into their count in any state prison, state wide so there really is nothing free. in state expensive, we pay for all this any way. Our family pay for all this also. And when we get money in any lawsuit or settlements we need still to pay all this copies And Postages, so what is free here?

255 > So, there are not need of defendants in Wende C.F. or DOCs/Albany, Denial or continue denied to obtain legal copies or legal Postages or denied access to courts or interfering with court orders or court rules. Some courts and some appellate's divisions or court of appeals still don't accept carbon papers copies. So, even if they accept e.g. a Brief written in Handwritten, they will not accept the copies made in carbon papers.

256 > However The Defendants Even Has Further Knowledge of all this, That Still Denial Abren The Proper Amount Of Copies Or Not Copies In All, Trying To Force To Abren Make Eg. Copies Made In Carbon Papers, That Still The Court Don't Accept.

257 > Also, There Are Deadline That Is Complete Impossible For Abren To Re-written A Petition Or A Complaint Of 50 Or 100 Pages, That He Is In Need To Serve In 25 Or 50 Defendants Or Respondents So, When The Defendants Denial Copies Under This Circumstances Is Clearly Denied Access Also To The Courts Because The Court Will To Dismiss The Complaint Or Petition. And Even Extended The Time, This Will Be Impossible For Abren To Do So. Because There Are Enough Medical Records That Show That Abren Has Serious Problems In His Right Hand, Leading To A Disability, He Receive Surgery To His Right Hand, He Need Other Surgery To His Right Hand Due Also To Carpal Tunnel, Plus He Is In Need A Hand Brace, And Physical Therapy Too. (Defendants Has Knowledge of all this)

258 > So, Abren Disabilities, Don't Allow Him To Do Many Copies Written In Hand Written Such As He Wish To Do, If He Will Do So, But He Is Unable Can To Do So Due To His Hand Disabilities, And Problems Still For Write, ~~WILL~~ Without A Hand Brace.

259 > So, Defendants Deliberate Indifference To Abren Medical Conditions, Disabilities, And Access To The Courts Is A Clear Proofs And Evidences Of Violations Of His 1st, 8th, And 14th Amend Rights Plus A Violations Of The ADA And Rehabilitation Act, And Other Rights & Laws.

- 260 > ON NOVEMBER 04, 2014 ABREU WAS TRANSPORTED TO DOWNSTATE C.F. BY THE SGT. FREEMAN AND TWO (2), ESCORT OFFICERS. THIS DEFENDANT FAIL AND REFUSE PROVIDE ABREU WITH HIS KOSHER MEALS VIOLATE ABREU FIRST AMEND RIGHTS AND RFRA AND RLUIPA.
- 261 > DEFENDANT FREEMAN HAS FURTHER KNOWLEDGE THAT ABREU RECEIVE KOSHER MEAL / RELIGIOUS MEALS BECAUSE HE REGULARLY WORK IN SHU, AND ABREU ALSO ASKED HIM PERSONALLY ABOUT HIS KOSHER MEAL, BUT HE IGNORED ABREU REQUEST AND COMPLAINT, OF A FORM DELIBERATE AND INDIFFERENT ABREU RIGHTS, AND ABREU RELIGIOUS BELIEF.
- 262 > DEFENDANT HILL IS THE RESPONSIBLE OF THE PRISON ROPE ELIMINATION ACT (PREA) COMPLIANCE IN WANDER. BUT HE INTENTIONALLY REFUSE AND FAIL TO COMPLI. WITH THIS STANDARD, COVERED UP STAFF MISCONDUCTS.
- 263 > ABREU HAS REPORTED PERSONALLY AND IN WRITTEN TO DEFENDANT HILL, THE SEXUAL HARASSMENTS THAT HE HAVE SUFFERED IN THE HANDS OF C.O. MAYER, C.O. S. HAMILTON, C.O. RASBLOK AND COUNSELOR MR. SKUBIS. HOWEVER HE PERSONALLY HAVE INVESTIGATED THIS INCIDENTS, HE HAVE REFUSED AND FAILED TO CALL TO LAW ENFORCEMENTS, AND TO REPORT TO THE LAW ENFORCEMENTS, SUCH AS TO THE INSPECTOR GENERAL OFFICE / OFFICE OF INVESTIGATIONS OR BCI / STATE POLICE OR CRIMINAL COUNTY DISTRICT ATTORNEY, THIS STAFF MISCONDUCTS. RATHER HE HAVE COVERED ALL AND LOCK OF THE SEXUAL HARASSMENTS, EVEN HE LEARNED THIS VIOLATIONS THROUGH THE GRIEVANCE PROGRAM IN WANDER, HE COVERED ALL THIS.

264) Defendant Hill Has Placed Abreu Safety, Health, AND Well being in an Imminent Danger. AND He Have Failed AND Refused TO REMOVE TO THIS STAFF FROM THE SHU, OR RECOMMEND TO DO SO. EVEN HE PERSONALLY OBSERVED THAT ABREU CONTINUE SUFFERING HARASSMENT AND RETALIATIONS FROM THIS STAFF

265) ON MARCH /03/2015 IN THE AFTERNOON HE OBSERVED TO C.O. MAXER, HARASSED ABREU VERBALLY IN THE SHU TIER III DISCIPLINARY ROOM (TIER ROOM). AND USED A TYPE OF EXCESSIVE USE OF FORCE HE FAIL AND REFUSE TO STOP THE INCIDENT HE ONLY WAS THERE STANDING LOOKING AND LISTEN THE INCIDENT, WHERE C.O. MAXER STILL THREAT ABREU SAYING, "I FUCK UP YOU IN BIG BUTT IF I WANT TO DO SO." AND MR HILL ONLY SMILED ABOUT THIS SEXUAL COMMENT.

266) AFTER IN A HEARING, HE TESTIFY IN BEHAIF OF C.O. MAXER, ALLEGED THAT ABREU STARTED THE INCIDENT, WHEN THE SHU VIDEO CAMERA RECORD /TAPE WILL CLEARLY SHOW THAT C.O. MAXER STARTED THE INCIDENT COMPLETELY NOT ABREU. BUT THIS ONE THE CLASSES OF COVER UP, THAT MADE DEFENDANT HILL REGULARLY IN WEND, COVERED UP ALWAYS THIS CLASSES OF INCIDENTS FROM STAFF TO INMATES ABUSES, SEXUAL HARASSMENTS, ASSAULTS AND FALSE REPORTS.

267) Defendant Hill Has also INTERFERING WITH ABREU ACCESS TO THE COURTS REFUSED TO ALLOW ABREU TO COMPLY WITH COURT ORDERS IN MAILED COPIES OF THE COMPLAINTS AND SUMMONS TO DEFENDANTS AND HAS DENIED ABREU SEND LETTERS OR COMPLAINTS TO DMH COMMISSIONER IN ALBANY # (60)

268) ON 3/3/2015 DEARBONT HILL VIOLATED ABREU DUE PROCESS RIGHTS IN A TIER III DISCIPLINARY HEARING THAT HE STARTED ON JANUARY 1/13 /2015 REGARDING AN INCIDENT ALLEGEDLY HAPPEN ON 12/09 /2014 WITH A CORRECTION OFFICER

269) DEARBONT HILL AFTER TWO MONTHS REQUIRED AND ASKED BY ARBITRARY AND CAPRICIOUS EXTENSION OF TIMES, THE WHICH MANY OF THEY WERE ASKED AND REQUIRED OF A FORM FOLIES AND MANIPULATES IN BAD FAITH AND INTENTIONALLY AGAINST ABREU. HE FOUND ABREU GUILTY OF THE CHARGES SENTENCE TO ABREU TO AN UNLAWFUL AND DISPROPORTIONED SENTENCES OF 365 DAYS / ONE YEAR - OR 12 MONTHS / OF SITU WITH/along LOSS OF RECREATION, PACKAGE, COMMISARY AND PHONE.

270) DEARBONT HILL DENIED ABREU A LOT OF POTENTIALS WITNESSES, INMATES AND TWO CORRECTION OFFICERS WHO WERE PRESENTS IN THE MOMENT OF THE ALLEGED INCIDENTS AND EVEN OTHER WITNESSES TESTIFIED THAT THEY DON'T SEE ABREU DOING NOTHING WRONG, AND OTHERS EMPLOYEES REFUSED TO TESTIFY REGARD THAT INCIDENT, AND EVEN TWO EMPLOYEES (A NURSE AND A C.O.) WERE SUPPOSED TO TESTIFY TOO REGARDING THAT ALLEGED INCIDENT MR HILL FOUND ABREU GUILTY OF ALL CHARGES, PLUS THE SENTENCE EXAGGERATED/DISPROPORTIONED. SHOW CLEARLY THE INTENTIONS OF MR HILL IN TRYING TO COVER UP C.O.'S MISCONDUCTS AGAINST INMATES IN PRISON. HE HAS A FAVORITISM IN BEHALF OF C.O.'S. HE IS OF THOSE EMPLOYEES/HEARING OFFICE WHO BELIEVE ONLY IN C.O.'S STATEMENTS, NOT IN PRISONER STATEMENTS, EVEN IF THE RECORDS SHOW THAT C.O. REPORTS ARE FALSE.

271) Defendant Hill violate Abreu the 1st 5th, 8th AND 14th Amend. Rights U.S. Const.

272) Defendant Hill continue with his MISCONDUCTS TO THE PRESENT. AND ON 3/3/2015 ~~THE~~ Defendant Hill Threat VERBALLY ALSO TO Abreu OUTSIDE THE HEARING ROOMS, ALLEGED THAT Abreu WILL NO RECEIVE LEGAL COPIES FROM THE LAW LIBRARY, BECAUSE ALLEGEDLY Abreu SENT A DIRTY LETTERS TO AN EMPLOYEE IN WANDER C.F. WHO IS FRIEND OF MR HILL HE TOLD Abreu ALSO, THAT DUE TO THAT LETTERS THAT WERE THE REASONS THAT HE PLACED Abreu GUILTY IN THE HEARING.

273) ALSO, THIS CORRUPT EMPLOYEE/DEFENDANT HILL TOLD TO Abreu THAT HE IS DOING ALL THOSE THINGS AGAINST Abreu DUE TO Abreu CONTINUES MULTIPLE GRIEVANCES AND COMPLAINTS AGAINST STAFF IN WANDER C.F.

274) SO, NOW Abreu IS RECEIVED ALSO OPEN RETALIATIONS, AND REPRISALS, FROM MR HILL, ONLY BECAUSE Abreu IS EXERCISES HIS RIGHTS IN FREEDOM OF SPEECH AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

275) THIS COMMENTS AND THREATS FROM THE DEFENDANT MR HILL THE WHICH HE IS PART OF THE ADMINISTRATION IN WANDER SHOW CLEARLY TO THIS COURT THE CONSPIRACY AND INTENTIONAL INTERFERENCE OF Abreu ACCESS TO COURTS AND TO OUT SIDE WORLD AND ACCESS TO THE LAW LIBRARY COPIES AND TYPING SERVICES & SUPPLIES.

276) SO, Abreu IS ALSO RECEIVE RETALIATIONS AND REPRISALS FOR FREEDOM OF SPEECH. FOR GRIEVANCES, FOR COMPLAINTS IN THE HEARINGS, TICKETS, LAW LIBRARY ETC. ALL THIS ACTIONS AND MISCONDUCTS ARE UNCONSTITUTIONAL.

277 > The Defendant Grode He is the Senior AND SUPERVISOR OF THE General Library IN WIND C.F. He is Refused, AND Failed to provide Abreu with Spanish magazines and Spanish newspapers, the which Abreu is entitled to receive per Correction law, AND DOC DIRECTIVES AND Regulations governing the SHU in least once time to the week

278 > Abreu has written many time to the Defendant Grode AND filed several grievances AND COMPLAINTS REPORTING Defendant Grode MISCONDUCTS AND OPEN DISCRIMINATIONS AGAINST Abreu, Due to his Race (Spanish/Latino) AND TREATED Abreu DIFFERENTLY THAN TO OTHER INMATES IN SAME AND SIMILAR - MISCONDUCTS.

279 > OTHER SHU INMATES IN WIND MR Grode DELIVERY OR PROVIDE OR SENT A LOT OF English newspapers AND Magazines EVERY EACH WEEK LESS TO Abreu, HE REFUSED AND Failed to provide Abreu such Spanish magazines AND newspapers. Even HE ALLEGED IN PRIOR GRIEVANCES THAT HE RECEIVE REGULARLY SUCH PUBLICATIONS IN Spanish Languages, HE PROVIDED IT ONLY TO Spanish/Latino IN general POPULATIONS - NOT IN THE SHU.

280 > The Defendant CROWLEY who is also RESPONSIBLE OF such Spanish materials AND RESPONSIBLE THAT SUFFICIENTS OF IT materials BE DISTRIBUTED OR DELIVERED TO THE SHU Spanish/LATINOS PRISONERS SHE HAS FAILED AND REFUSED TO RESOLVE THE PROBLEMS, THE WHICH TO THE PRESENT CONTINUE (FROM 2014 TO 2015). ALL THIS IS ON OPEN DISCRIMINATIONS, IN VIOLATIONS OF THE 14TH AMEND RIGHTS of state laws. #163)

- 281) DEFENDANTS PAUL REID, HERBISON AND HODGES HAS AN OPEN DISCRIMINATIONS AGAINST ABREU AND REGULARLY TO RETALIATE AGAINST ABREU, WHEN ABREU FILE OR MAKE COMPLAINTS AGAINST THEM.
- 282) THIS DEFENDANTS WORK IN THE STATE FROM 3-11 PM SHIFT. THEY INTENTIONALLY TO PROVIDE ABREU COLD WATERS RATHER THAN HOT WATERS FOR HIS KOSHER MEALS, VIOLATED SO, ABREU CONSTITUTIONAL RIGHTS, UNDER THE 1ST AND 14TH AMEND RIGHTS AND THE RFRA AND RLUIPA, ABOUT RELIGIOUS MEALS.
- 283) THIS VIOLATIONS ARE BASED, TO THAT ABREU RELIGION IS JEWISH, SO, ABREU RECEIVE THE KOSHER MEALS, IN LUNCH TIME ABREU RECEIVE A SOUP, COLD SALAMI, OR COLD BOLOGNE, AND A PACKET OF TEA.
- 284) IN OTHER FOR ABREU CAN COOK, HIS KOSHER MEALS INCLUDING THE SOUP HE NEED HOT WATER. THE SOUP KETTLE METHOD FOR CAN COOK THE SOUP SAY CLEARLY THAT ABREU NEED TO ADD "BOILING WATER" TO FILL LINE. AND ALLOW TO STAND FOR TWO (2), MINUTS, OR FOUR (4), MINUTS.
- 285) IF THE WATER IS NOT IN BOILING WATER ABREU CAN TO EAT HIS FOODS / SOUP, AND ABREU IS NOT ALLOWED TO KEEP THE SOUP NEITHER HE IS FORCED TO THROW IT IN THE GARBAGE. WHEN HE IS UNABLE CAN EAT HIS SOUP. DUE TO COLD WATER
- 286) ABREU IS ALSO UNABLE CAN MAKE HIS TEAS WITH COLD WATER, ABREU DON'T RECEIVE JUICES, THE TEAS IS HIS JUICE, SO, WITHOUT HOT WATER ABREU IS UNABLE CAN DRINK HIS TEAS, SO, HE IS ALSO FORCED TO THROW IT

287) > IN OTHER WORDS ABREU IS UNABLE TO EAT HIS MEALS IN DINNER TIME EVERY EACH NIGHT, IN VIOLATION OF HIS RELIGION AND IN VIOLATION OF HIS RIGHTS TO EAT THE 2,000 CALORY COOKIES THAT A PERSON NEED FOR HIM TO BE HEALTHY.

288) > THE JOCOS POLICY ABOUT KOSHER MEALS CLEARLY SAY THAT PRISONERS RECEIVED KOSHER / CAD MEALS ARE ENTITLED TO HOT WATERS, FOR THAT THEY CAN TO EAT THEM FOODS, AND PREPARE THEIR MEALS.

289) ABREU HAS FILED AND COMPLAINING VERBALLY ABOUT ALL THIS IN GRIVANCE COMPLAINTS TO THE DEPENDANTS REID, HODGE, LUCAS, HERBISON, LEMPKA, SCHUMACHER, CROWLEY, HILL, BROWN, MEYER, SOWA, FREEMAN AND GREGOIRE, WHO ARE RESPONSIBLE OF THE SITU AND THE FOODS DELIVERED TO PRISONERS IN THE SITU, BUT THEY HAS IGNORE ABREU COMPLAINTS OF A FORM DELIBERATE AND INDIFFERENT.

290) > THEY WANT ABREU DRINK THE HOT WATERS FROM HIS CELL SINK BUT IT WATERS ARE POLLUTED WATERS AND DRINK WATERS (HOT WATERS) FROM THE CELL SINK IS VERY DANGEROUS TO HEALTH, AND HAZARD TO HEALTH. AND HIGH IN RADIUM LEVELS, AND FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND THE STATE EPA DON'T RECOMMEND TO PRISONERS DRINK HOT WATERS FROM CELL SINK OR TAP, OR FROM PIPES.

291) > THIS CELL HOT WATER HAS PROVOKED STRONG STOMACH PAINS, DIARRHOEAS, VOMITS AND OTHER SYMPTOMS. EVERY TIME ABREU USE OR DRINK IT IN SOUPS, COFFEES OR TEAS.

- 292 > UPON INFORMATION AND BELIEF THE DEFENDANTS HAS FURTHER KNOWLEDGES OF THE DANGER OF DRINK HOT WATERS FROM THE SINK AND THAT THIS WILL DO TO HEALTH OF PRISONERS, WHO DRINK IT CUPS OF WATERS, FOR THIS REASONS THEY PROVIDE SEPARATED HOT WATERS, HEATING BY THE MESS-HALL HEAT, OR 'MICROWAVE
- 293 > ONE OF THE PROBLEMS ARE THAT ONCE TIME THE WATER ARRIVE TO SHU IT IS COLD ALREADY, OR SHU STOPS WAITING A LONG PERIOD OF TIME FOR SERVE THE KOSHER MEALS AND THIS HOT WATERS. AND THEY REFUSE TO RE-HEAT IT, WHEN THE WATER GET COLD EVEN THEY HAVING MICROWAVES IN THE SHU.
- 294 > IN OTHER SITU, THE WATER HEAT IS IN THE SHUB, NOT IN THE MESS-HALL SO, COS/SHU STOPS PROVIDE HOT WATERS IN OTHER SHU TO PRISONERS WHO RECEIVE KOSHER MEALS BUT WANDA DEFENDANTS HAS FAILED OR REFUSED TO DO. OR/ONLY REFUSED/FAILED TO RESOLVE THE PROBLEMS AND TO THE PRESENT THIS PROBLEMS CONTINUE VIOLATED SO ABREU RIGHTS AND HIS RELIGION AND RELIGIOUS BELIEF TOO.
- 295 > THE DEFENDANTS REID AND HERBISON REGULARLY ALSO DISCRIMINATE ABREU WITH HIS SPANISH MUSIC WHEN SPANISH MUSIC ARE PLAYING IN THE CELL WALL RADIO POT HOURS OF THE SHU, IN THE AFTERNOON THE DEFENDANTS CALL TO THE DEFENDANTS CURTIS SNOWDEN'S TO CHANGE THE RADIO STATION TO ENGLISH MUSIC ONLY OR TO ENGLISH SPORT ONLY. THEY DOING SO IN RETALIATIONS AND DISCRIMINATIONS BECAUSE ABREU HAS FILED GRIEVANCES AND COMPLAINTS AGAINST THEM & STOPS

- 296 > The Defendants Hodges, Lucas, Curtis Snowden, Crowley, Hill, Lemke, Freeman, AND Gregoire Has further knowledges of the Harassments, Discriminations AND Retaliations with the Spanish Music That is supposedly, OR Monitored to be Played in the SHU. For Spanish Prisoners Placed in the SHU.
- 295 > The Defendants Meyers AND Brown Has also further knowledges about all this misconducts, but they simply Has refuse ignored OR Refused OR Failed to Resolve all this Problems.
- 296 > There are 3 Holes in the Cell of the SHU Radio Pots / Stations Two (2) English Musics are Playing Daily, and One English T.V. Station is Played Daily. When Abreu arrive to under C.F SHU, NO Spanish Music were Played.
- 297 > Abreu wrote a Grievance Complaint Challenged that Spanish Music will be Played Daily in one of the Holes. Because it is a Discriminations that ONLY ~~English~~ English Musics AND English TV Channel be Played ONLY Daily in the SHU.
- 298 > Then Spanish Music was started to be Played four time in the week, Wednesday, Friday, Saturday AND Sundays, ONLY for several hours in Holes No. 1 of the SHU Cell Radio Pot, & English in Holes # 2 & 3.
- 299 > However for Feb/2015 the Co. Reid AND Herbison started to called to Snowden to change the Spanish music to other station. Intercalling with Abreu Spanish Music Programations # (67,

300) Abreu filed a grievance complaints  
Challenged C.O.s Reid and Herbison  
misconducts on or about Feb/14/2015

301) The grievance/complaints was investigate  
by Captain Meyer and Sgt Hodges. The  
C.O.s Reid and Herbison has advised  
to other SHU inmates that Abreu  
has written complaints against them  
regarding Spanish music station, they changed  
it. So, they cannot to change it again  
or call to staff for change it, no  
more.

302) However C.O.s Reid and Sgt Hodges  
threatened Abreu, that he will go pay the  
consequence of filing grievances against  
them regarding the Spanish station. Two  
(2) weeks after of Abreu complaint  
the Spanish music in the SHU was reduced  
from four (4) time to the week now  
to only one time in the week (only  
Saturday for several hours that it).

303) They Sgt Hodges and C.O. Reid  
told Abreu, "Do you see we have  
a lot of power here and a lot of  
friends, for change the scheduled or  
musics and programmatons, now you  
only can listen Spanish music once  
time in the week and if you again  
to wrote a grievance again us, now  
you don't will go listen no Spanish  
music in all." Do you understand this?  
And they left.

304) To the present only Saturday Spanish  
music from the Spanish station called  
"CALIENTE" from Rochester or Buffalo N.Y  
is played now in the SHU, only once time in week  
#1681

305 > The Defendants CROWLEY, HILL, LEMPKA, SCHUMACHER, MEYER, BROWN, LUCAS, ANNUNCI, BEINWILL, Chief Inspector General, MCKOY, AND PRACK / D. VENETTOZZI, HAS ALLOWED THAT THIS DISCRIMINATIONS AND RETALIATIONS AND REPRISALS CONTINUE HAPPEN TO ABRON IN WANDER C.F. SHU, AND CORC HAS ALSO FAILED TO RESOLVE ALL THIS VIOLATIONS.

306 > The Defendant ABUSES DISCRIMINATIONS AND RETALIATIONS AND DELIBERATE INDIFFERENCE TO ABRON CONSTITUTIONAL RIGHTS, AND THEN CONTINUES UNCONSTITUTIONAL POLICY OF COVER UP STAFF MISCONDUCTS, VIOLATE THE 1ST 8TH AND 14 TH AMEND. 'RIGHTS US CONST' AND VIOLATED STATE LAW, AND FEDERAL LAWS.

307 > The Defendant STIRK, LISSON, **BROWN**, CROWLEY, ALONG WITH DEFENDANTS LEMPKA, BOSCO, GROUT, BOSCO, OMH COMMISSIONER, ANNUNCI, RAMIREZ, ROMERO, KENIGSMAN, PRACK, VENETTOZZI, N.Y.S. DOCCS, N.Y.S. OMH, AND NEW YORK STATE, ARE DENIED ALL PROPER AND MENTAL HEALTH SERVICES IN THE SHU, TO MR ABRON. FROM SEPTEMBER 2014 TO THE PRESENT MARCH 2015, THEY HAS DENIED ABRON MENTAL HEALTH CARE, TREATMENTS, MEDICATIONS PROGRAMS AND SERVICES IN WANDER C.F. SHU.

308 > The Defendant LISSON IS ASSIGNED TO SHU IN WANDER FOR PROVIDE MENTAL HEALTH SERVICES TO THE SHU PRISONERS, DAILY FROM MONDAY TO **FRIDAY** IN SIDE CELL DOORS, AND EVERY TWO WEEKS IN PRIVACY ROOM.

309 > HOWEVER SHE DEPRIVED ABRON OF THIS MENTAL HEALTH SERVICES, IN SHU SHE WALK ONLY FROM CELL 1 TO CELL 16. ABRON IS CONFINED IN CELL 42-17 CELL (LAST CELL OF 42 GALLERY)  
# (69)

- 310) The Defendant Lison, Refuse to Talk with Abreu, Refuse to provide him treatments Core, Refused to check how Abreu is in his cell she in Retaliations Has Spoke and Provided bad and manipulate, Confidential testimony in Hearings tapes Against Abreu along with Defendant Stirk the which is Bad Faith and manipulate Confidential testimony Against Abreu in his disciplinary Hearing Has Harmed and injuries in his Defenses.
- 311) This Defendant Has Discriminated And Abused to Abreu from the first time Abreu meeting with that Defendants in the SH in Sept/2014 where Abreu Has written against Defendants Lison and Stirk multiply grievances and complaints
- 312) After this grievances and complaints against Defendant Lison, she started to write Abreu multiply tickets, Falses and manipulate in reprisals and in Retaliations, Against Abreu. And between 3 to 4 of this ticket reports, were Reversed by Docu.
- 313) However Defendant Lison continue with her misconducts against Abreu until the present. On Jan/13/2015 she again in Retaliations wrote a false ticket report to Abreu. In Feb/2015 the ticket report was expunged from Abreu record and dismissed in facility level by Supt Lempke.
- 314) But the misconduct of Defendant Lison continue including her open discriminations and Retaliations against Abreu including threatings and different treatments.

315) So, we cannot say under this circumstance that the testimony provided by she or Stirk were in good faith in the hearings. This is very clear that were made in bad faith and with the only purpose of harm and injuries to Abreu in his hearings.

316) Abreu is a mental health level one by OMH/CNIPC classification and due to this level all and each hearing officers are required and mandated by laws, DOCS directives and DOCS/OMH policies to consider Abreu mental states in the moment of the alleged incidents/hearings. And mental health states in such case the Defendants Litson and Stirk are required and mandated also, to provide a confidential tape to each disciplinary hearing officers of any report/ticket that be written against Abreu. So, this Defendants write tickets and also provide to the same time the confidential tape regarding Abreu mental state, has this any sense in all?

317) The Defendants Stirk has covered up each all misconducts of Defendant Litson against Abreu. The Defendants Stirk, Lemke, Crowley, Hill, Basco, OMH Commissioner, Annucci, N.Y.S., Grant, Manning, Prack, Vignottozzi, Ramirez-Romero, Kolnigshorn, Brown, McKay, and Brown has failed to resolve any of this problems has failed and refused to remove to Defendant Litson of the SHU even they has further knowledge that the problems continue to the present. They has failed and refused to provide other social worker/therapist/clinician to Abreu who can have a better relation between patient and therapist or who can treat Abreu with respect, and considerations.

- 318) IN THE SEVERAL PRIVACY INTERVIEW THAT ABREU HAS HAD WITH LITSON IN THE PAST, SHE ONLY HAS PASSED ALL THE INTERVIEW THREATENING ABREU, YELLING TO HIM OBSCENITIES, TREATED HIM VERY DIFFERENT TO OTHERS INMATES IN SAME OR SIMILAR SITUATIONS OR SIMILAR CIRCUMSTANCES.
- 319) SHE AND STIRK WERE IN PORT WHO PROVOKED THAT ABREU BE PLACED BELT AND DOUBLE CELL SHIELDS / PLEXIGLASS AND THAT ABREU WEAR A SPECIAL SUIT TOO.
- 320) HOWEVER THEY DENIAL ALL THIS ALLEGED THAT THAT DETERMINATIONS AND DECISIONS WERE MADE BY SECURITY STAFF (DET BROWN CAPTAIN MEYER AND L.T. KEENAN) NOT BY OMH OR THEY. HOWEVER THE RECORDS SAY OTHER THINGS. AND ALL THIS WAS MADE IN REPRISALS RETALIATIONS AND DISCRIMINATIONS AFTER ABREU MULTIPLE GRIEVANCES AND COMPLAINTS AGAINST THIS DEFENDANTS.
- 321) ON JANUARY / 08 / 2015 ABREU ARRIVE TO WINDY CF FROM DOWNSTATE C.F. WITH HIS CELL. WHERE ABREU WAS RECEIVED MENTAL HEALTH MEDICATIONS BUT APPROX. TWO (2) WEEKS AFTER ABREU ARRIVED TO WINDY CF IN JAN / 2015 HIS MENTAL HEALTH MEDICATIONS FOR DEPRESSIONS AND MOOD CHANGE WERE DISCONTINUED BY DEFENDANTS STIRK, LITSON AND DOCTOR OF A FORM DELIBERATE INDIFFERENCE TO ABREU MENTAL HEALTH CONDITIONS. EVEN THEY HAS FURTHER KNOWLEDGES THAT 'ABREU IS IN NEED OF HIS MENTAL HEALTH MEDICATIONS.
- 322) ABREU IN NO TIME IN ALL HAS REFUSED ONLY OF HIS MENTAL HEALTH MEDICATIONS, BUT THE MEDICATIONS WERE COMPLETELY DISCONTINUED.

- 323 > ABREU HAS WRITTEN MULTIPLE LETTER OF COMPLAINTS TO THE DEFENDANTS BOSCO, OMH COMMISSIONER, N.Y.S. OMH, RAMIREZ-RODRIGUEZ, DEINIER, ANNUCCI, LEMAY, AND CROWLEY REPORTING ALL THIS MISCONDUCTS ABUSE, RETALIATIONS, DISCRIMINATIONS, REPRISALS, DENIAL OF MEDICATIONS AND PROPER AND ADEQUATE MENTAL HEALTH SERVICES FROM DEFENDANTS LITSON AND STIRK, BUT THE DEFENDANTS ABOVE HAS FAILED OR REFUSED TO ASSIST HELP OR RESOLVE THE PROBLEMS, IN WHEEL C.F. SITU.
- 324 > THE DEFENDANTS HAS ACTED ON A FORM DELIBERATE AND INDIFFERENT TO ABREU CONSTITUTIONAL RIGHTS FEDERAL LAWS AND STATE LAWS THE WHICH PROTECT ABREU RIGHTS TO RECEIVE PROPER AND ADEQUATE MENTAL HEALTH CARE, WITH RESPECT, CONSIDERATION, AND DIGNITY
- 325 > THE DEFENDANTS MANNING AND GRANT HAS ACTED ON A FORM ALSO SIMILAR OF DELIBERATE INDIFFERENCE THAT THE DEFENDANTS ABOVE AND TO THE PRESENT ABREU CONTINUE SUFFERING THE SAME VIOLATIONS AND DELIBERATE INDIFFERENCE.
- 326 > ABREU IN NO TIME HAS REFUSED ANY TREATMENTS, CARE, PROGRAMS, SERVICES, OR MEDICATIONS, FROM MENTAL HEALTH IN WHEEL C.F. SITU.
- 327 > THE DEFENDANTS HAS VIOLATED ABREU 1ST 8TH AND 14TH AMEND RIGHTS THE ADA AND REHABILITATION ACT, THE CORRECTION LAW, THE MENTAL HYGIENE LAW, THE SITU BILLS LAWS, THE FEDERAL LAWS, AND PRIOR PRIVATE SETTLEMENTS REGARDING THE TREATMENTS OF PRISONERS WITH MENTAL HEALTH CONFINED IN THE SITU # (73,

- 328 > The Defendants WYZYKOWSKI HAS DENIED ABREU PRESCRIBED EYE GLASSES WITH SV. TRAYS LENTS APPROVED IN A FACILITY CLAIM FROM JULY 2014 TO THE PRESENT MARCH 2015.
- 329 > ABREU WITHOUT HIS EYE GLASSES IS UNABLE CAN READ WELL, SUFFERING PAINS, AND BLURRED IN BOTH EYES UNABLE TO DO DAILY ACTIVITIES, FEELING STRONG HEADACHES, DIZZINESS, AND LIGHT BOTHER ABREU EYES.
- 330 > THE DEFENDANTS HAVE BEEN AWARE OF A FORM DELIBERATE AND INDIFFERENT TO PLAINTIFF ABREU SERIOUS MEDICAL CONDITIONS.
- 331 > ABREU HAS FILED MULTIPLE COMPLAINTS, SICK CALL SLIPS, AND GRIEVANCES ABOUT HIS EYE GLASSES WITH SV. TRAYS LENTS.
- 332 > ABREU HAS WRITTEN MULTIPLE LETTERS ABOUT ALL THIS AND WYZYKOWSKI MISCONDUCTS TO SCHUMACHER, KILLINGER TOPOREZ, ANNUNCI, KORNIGSMANN AND ISBINIER BUT ABREU COMPLAINTS WERE ALL IGNORED, OR NOT RECEIVED YET TO THE PRESENT BY THE DEFENDANTS.
- 333 > ABREU HAVE ALSO REPORTED THE PROBLEMS PERSONALLY TO THE DEFENDANTS LA PENNA, DAVIS, JANE JOHNS, 2 & 3 TO THE DEFENDANTS FUCINA AND LENT BUT THEY ARE HAVE IGNORED ABREU OR REFUSED OR FAILED TO RESOLVE THE PROBLEMS WITH ABREU EYE GLASSES SV. LENTS.
- 334 > THE DEFENDANTS HAS VIOLATED THE 1ST 8TH AND 14TH AMEND RIGHTS AND STATE LAWS. ABREU BELIEVE ALSO, THAT THE DENIAL IS BASED IN RETALIATIONS BY PRIOR COMPLAINTS.

335 > Recently in Feb/2015 Abreu saw to Defendants WZYKOWSKI, the which told Abreu, "What do you will go continue writing me grievances, AND complaints? Now I don't will go give you any glasses with sv. trax lens. Piece shit, go and write or grievance against me, I need only to Denial what I say to you, they believe me before, they believe you."

336 > So, this is very clear, that Abreu is also received retaliations, AND REPRISALS from this Defendants. PRIOR TO complaints AND grievances against him.

337 > Defendants TOPOREZ, GLORY, LEWIS, Kucina, La Anna, Davis, Jones, John, 2 and 3, AND Defendants ASH AND Koenigsmann, along with Defendants Annucci, Killinger, Brinnier, Lemke, AND Schumacher has further knowledges that Abreu is bleeding from nose AND spitting blood bleeding from anus Rectal, pain in stool in need of colonoscopy (Colonoscopy) in need of a Hard Surgery due to Pains AND carpal tunnel, in need of his back brace, AND medical boots, AND exeglasses, AND see specialists, but they all has ignored Abreu of a form deliberate AND indifferent placed Abreu in on imminent danger AND suffer unrelenting pains AND suffering from July 2014 to the present March 2015.

338 > The Defendants continue to the present with the same MISCONDUCTS AND deliberate indifference, even Abreu filed sick call daily and sending letters AND grievances complaints. They have violated Abreu, 8th AND 14th Amend. Rights.  
#175,

- 339 > DEFENDANTS MEYER, HEIF, FURLANI AND HILL HAS VIOLATED ABREU DUE PROCESS RIGHTS AND HIS CONSTITUTIONAL RIGHTS IN DENIED WITNESSES DON'T ALLOW ABREU TO ATTEND TO HIS DISCIPLINARY HEARINGS AND SENTENCED TO ABREU TO DISPROPORTIONED SHU SENTENCES OF YEARS AND YEARS IN THE SHU WITH LOSS OF ALL PRIVILEGES.
- 340 > ON 1/28/2015, 1/23/2015, 2/10/2015, 3/9/2015, 3/12/2015 AND 3/2015 THEY SENTENCED TO ABREU TO SEVEN (7) YEARS OF SHU CONFINEMENTS, ALONG WITH LOSS OF PRIVILEGES, IN VIOLATIONS OF THE 8TH AND 14TH AMEND. RIGHTS THE WHICH PROHIBIT CRUEL AND UNUSUAL PUNISHMENTS AND PROHIBIT DUE PROCESS VIOLATIONS AND PROHIBIT DISCRIMINATIONS AND RETALIATIONS.
- 341 > THE DEFENDANTS WERE ARBITRARY AND CAPRICIOUS IN THEIR SENTENCES DISPROPORTIONED AGAINST ABREU, ONE ABUSED OF THEIR DISCRETIONS, POWER AND AUTHORITIES.
- 342 > ABREU BELIEVE THAT THE SENTENCES WERE BASED IN RETALIATIONS AND REPRISALS FOR PRIOR GRIEVANCES AND COMPLAINTS AGAINST THEM OR/ONE AGAINST OTHER STAFF IN VIOLATION OF THE FIRST AMEND. RIGHTS.
- 343 > THE DEFENDANTS REINHOLDT, AND VASQUEZ DENIED ABREU DOCUMENTARY POTENTIAL DOCUMENTS (PHOTOS/TEST); AND OTHERS RECORD AND COPIES OF LETTERS AND INFORMATION THAT ABREU WAS IN NEED FOR HIS DEFENSES IN HIS DISCIPLINARY HEARING OF 1/23/2015, 1/28/2015, 2/10/2015, 3/9/2015, 3/12/15 AND 3/2015, VIOLATED SO, ABREU RIGHTS.

344) Defendant Vazquez was the speak Spanish assigned Abreu for to provide assistance Abreu in his tickets regarding the above Hearings, But Defendant Vazquez fail AND Refuse to provide Abreu with such records that Abreu was in need for his defenses.

345) Defendant Vazquez alleged that the Secretary of the Courtain/Secretary of the Disciplinary Office Defendant Reinhardt, Refuse. Provide AND give to Vazquez the Records, Photos, Directives, Documents ect, that Abreu was in need.

346) Defendant Vazquez told Abreu that Defendant Reinhardt is the assigned to provide all records and that he only provide Abreu the items that Defendant Reinhardt give him, and the others items for reasons that he don't know Defendant Refused to provide all it to him because Reinhardt is in charge of what on Inmate can have and can not have or receive in a tier III assistance from only tickets/reports that on Inmate receive in waste.

347) Defendants Vazquez AND Reinhardt have both intentionally interfering with Abreu tier III Superintendent's Hearings/Disciplinary Hearings defenses when they provided in bad faith & intentionally a bad assistance AND bad aid in the tickets/reports that Abreu received in waste of from January 2015 to March 2015.

348) This Defendants violated Abreu Rights under the 1st, 8th, AND 14th Amend. Rights.  
#(77)

349) DEFENDANTS MEYER, HEIF, FURLONI, AND HILL, FAILED AND REFUSED TO PROVIDE ABREU WITH SPANISH COPIES OF THE DISPOSITIONS, ONE REFUSED TO CONSIDER ABREU, MENTAL STATES, ONE MENTAL ILL. OR MENTAL HEALTH DEFENSES, IN EACH HEARING.

350) DEFENDANTS MEYER, HEIF, FURLONI, AND HILL FAILED TO VERIFY PERSONALLY IF ABREU HAS REALLY ~~REFUSED~~ TO ATTEND TO HIS HEARINGS, AND IF SO, IF SOME ONE OR C.O. OR STAFF WAS OR WERE THREATENED HIM, WITH ASSAULTS OR PHYSICAL ATTACK OR TO DESTROY HIS PROPERTIES IF HE ATTEND TO THE HEARINGS, OR IF ABREU HAS SCARE OR FEAR FOR HIS SAFETY IF HE ATTEND EXAMPLE TO THE HEARINGS.

351) DUE TO ALL THIS FAILED THE HEARINGS ARE NULL AND VOID, AND WILL BE ALSO REVERSED BY THIS COURT, AND EXPUNGED FROM ABREU RECORDS.

352) THE TICKET REPORTS WRITTEN BY THE DEFENDANTS LITSON, THOM, PHELON, KRIGIER, JACKSON, MEYER, AND MANDER RELATED TO THE HEARINGS MENTIONED ABOVE, ON 1/03/15, 12/09/2014, 11/14/2014, 2/26/2015, 11/19/14, 3/03/2015, 3/02/2015, AND 3/02/15 ARE FALSE, OR MANIPULATED, OR EXAGGERATED IN RETALIATIONS FOR PRIOR GRIEVANCES AND COMPLAINTS WRITTEN OR VERBALLY AGAINST THEM, PRIOR TO THE ALLEGED INCIDENTS.

353) THIS DEFENDANTS HAS VIOLATED ABREU 1ST, 8TH AND 14TH AMEND RIGHTS WITH THEM FALSE, MANIPULATED, OR EXAGGERATED TICKETS, CHARGES AND REPORTS/STATEMENTS MADE IN RETALIATIONS # (781)

- 354) Defendant Steve Kurlani from Abreu arrive to Wende C.F. SHU in July 2014 to the present March 2015 is denied Abreu Education AND CELL STUDY AND Denied Abreu to take the G.D. TEST.
- 355) Defendant Kurlani MISCONDUCTS ARE DUE TO DISCRIMINATIONS, AND in RETALIATIONS Against Abreu, in DISCRIMINATIONS BY Abreu RACE ~~ETHNICITY~~ AND STATUS SUCH AS A PRISONER IN THE SHU.
- 356) Defendant Kurlani RETALIATIONS are based in PRIOR GRIEVANCES AND COMPLAINTS AGAINST HIM AND STAFF who are his friends.
- 357) Defendant Kurlani Has in the Past AND Present (~~MOST~~ RECENTLY ON 2/10/2015) DISRESPECTED Abreu WITH VERBAL ABUSE AND OTHERS EXTREMELY OFFENSIVE STATEMENTS AND THREATENING.
- 358) This is some things that he have in his RECORDS because others several PRISONERS Has in the Past WRITTEN MULTIPLE GRIEVANCES AND COMPLAINTS FOR SIMILAR MISCONDUCTS DISCRIMINATIONS AND RETALIATIONS, AND VERBAL ABUSES AGAINST PRISONERS.
- 359) He also RUN OR CONDUCT THE DISCIPLINARY HEARINGS OF A FORM ARBITRARY AND OPPRESSIVE AND ABUSIVE. He and Defendant MEYER ARE OF THIS HEARING OFFICERS THAT NO MATTER IF THE INMATE(S) IS NOT GUILTY THEY ALWAYS FOUND INMATE GUILTY. AND NO MATTER WHAT DEFENSE, PROOF OR EVIDENCE THE INMATE HAVE THEY ALWAYS FOUND SHU INMATES GUILTY.

- 360) This Defendants also sentence to situ prisoners to abusive and grossed DISPROPORTIONED situ sentences, the which are shocking to one's sense of fairness.
- 361) The Defendant Furioni continue with his misconduct to the present against Abreu. He has violated Abreu, 1st 8th and 14th Amend. Rights
- 362) Defendants Meyer, Lucas, Kellon, Labedz, Meora, Hodges and Roberts are the persons that always or regularly are appointed by the Superintendent Lemke or DSS Brown to conduct all and each investigations regarding Abreu grievances and complaints. This Defendants has regularly refused to do the investigations or making the investigations intentionally of a form improper, unfair, arbitrary and conditions.
- 363) Some time this Defendants alleged that they interviewed Abreu, and alleged in false, fabricated or manipulate statements that Abreu, no has nothing more that odd to his complaints/grievances or that Abreu alleged that he don't have any witnesses etc, when really they don't have interviewed Abreu in all.
- 364) Then when they interview Abreu they talking bad to Abreu and disrespect him verbally and refuse to interview witnesses, or alleged that they reviewed the video tape, and that they don't found nothing wrong made by the staff etc. This are trick that they always do writing many time the same or similar statements in each of their investigative reports/statements about Abreu grievance

365 > The Defendants above MISCONDUCTS is a TYPE OF TRICK THAT THEY USE FOR DENIAL GRIEVANCES AND COMPLAINTS THAT ARE WRITTEN AGAINST STAFF BY INMATES AND THEY NEVER ACCEPT IN ALL THAT THE STAFF IS OR WAS WRONG IN HIS OR HER MISCONDUCTS AGAINST ABREU, OR OTHER INMATES. EVEN IF THE VIDEO TAPES SHOW TO THAT PARTICULAR EMPLOYEE STAFF OR UNIFORMED COMMITTED THE ALLEGED MISCONDUCTS. EVEN IF THE INMATE HAVE THE ENTIRE SHU OF INMATES SUCH AS WITNESSES TO THE ALLEGED INCIDENT THEY WILL GO TO DENY THE GRIEVANCE AND COMPLAINT ANY WAY. OR ALLEG. THAT THE SHU VIDEO CAMERAS NOT WERE WORKING THAT DAY OR NO AUDIO RECORD WAS AVAILABLE.

366 > THIS ONE THE TRICK THAT USE THIS DEFENDANTS IN GRIEVANCE AND COMPLAINTS. THEY ALSO REFUSE TO PRESERVE THE VIDEO TAPES OF THE INCIDENTS ALLEGED IN THE GRIEVANCE OR COMPLAINT, OR AND REFUSE TO ATTACH IT COPIES OF THE VIDEO TAPES TO THE GRIEVANCE/COMPLAINT FOR BE REVIEWED BY CORC IN ALBANY/DOCS.

367 > SO, THIS IS AN OPEN COVER UP AND CORRUPTIONS THAT ALWAYS HAPPEN IN FACILITY LEVEL AND DOCS LEVEL.

368 > ALSO MANY OF THIS SUPERVISORS WATCH COMMANDS SECURITY STAFF SUCH AS CAPTAINS/DSS AND SUPERINTENDENTS AND MANY DOCS AUTHORITIES WERE BEFORE CORRECTION OFFICERS, OR DEPUTY SUPERINTENDENTS BUT WHO WORKED OR WORK IN DIFFERENT PRISONS. THIS ONE ALWAYS THE TRICK AND TRAINER THAT THEY ALWAYS RECEIVE TO DENY INMATE GRIEVANCES/COMPLAINTS TO COVER UP STAFF MISCONDUCTS, TO COVER UP THEIR OWN MISCONDUCTS, AND DENY THAT THEY HAS COMMITTED ANY THINGS WRONG, IN ALL. IF IN THE SAME WAY THAT THEY ARE TRAINED IN HEORINGS, THEY ARE ALSO TRAINED TO DENY ALL THE THINGS

369 > They are trained in How to Respond to Grievances, in How to Respond to Complaints in How to 'Make Statements' in How to Write in That Statements - in What to Write in Investigative Reports in How to Recommend to Superintendents AND CORC in Respond to such Grievances AND Complaints.

370 > Example, when a Sgt, Lt, Capt, Ins, ect. to go on Investigation regarding a Grievance or Complaint, they wrote in Confidential Statements, the following

" I Recommended that the Respond/Answer to Sport of this form, AND that this be the Respond to Abreu Grievance/Complaint. No evidence was found in your allegations that Sport has harassed or harassed to you in the SHU on March/2015. Sport has Denied both verbally and in writing all allegations of misconduct or unprofessional behavior. The investigation has concluded and no evidence exists to support the allegations. Therefore, I have concluded this Grievance is without merit and the requested Remedy is Denied / OR Grievance Appeal is Denied".

371 > So, after this Recommendations, the Superintendents Regularly without to Conduct any Investigations. and many time without to Review none of the Documents, to accept this Recommendations, AND write 'Word, by Word' the written by the Investigate, even if the Grievance Complaint was made against also of the Investigator who Investigated the Grievance. So, this is called Corruptions/Deliberate indifference

372 > This same Misconducts AND Cover up are also made in the same way in Docer by this authorities  
(82)

373) Upon Information And Decide The Reasons Why This Defendants To Do So, With This grievances Response, And Investigations And Recommendations are (1) for all to be in the same paper, eg in the same statements, And avoid that the inmates -  
 - plete say some things, And Superintendent say other things the which will harm to they in lawsuits in case that the inmate sue to they or file an article 78 or a § 1983 ect (2). For so, to cover up staff misconducts. And (3) a more easy job for superintendent to respond to the grievance where the statement that he is supposed to respond or answer is already written by the investigate so, he need only sign it, or type it in a paper And sign it. Easy job, of a form deliberate And indifferent to prisons grievances And prisoners complaints.

374) For this reasons is that Regularly this grievances / complaints are Denied, even with merits. and good cause, so, forced to prisoners And Abren to seek judicial help, Aid, assistance and / or interventions, so this is not that inmates Really Abuse of the court system, this is that prison officials force to inmates to seek judicial interventions, and go to the courts.

375) There are every each years, 100's or 1000's of article 78 filed in state courts, in N.Y.S. reversed prison authorities And docis officials prior Decisions / Determinations, in Hearings in grievances in complaints such as forced prison officials to be arbitrary And capricious or abused of this authorities, against inmates, in Hearings in tickets, in grievances in Decisions ect forced intentionally AND in bad faith to giving extra work to the courts And to the Attorney General offices  
 # (82)

376 > The Defendants Don't Have Nothing To  
 Loss in all they get Free Representations  
 by ~~Attorney~~ General Officer (Attorneys)  
 They Don't Need To Pay Court Fees AND  
 Even If Settlements in f 1983 Complaints  
 Filed by Prisoners Against They in Federal  
 Or State Courts Or Still in Court or Claims  
 They Don't Need To Pay Any Of This Money  
 in all All This is Paying by The State  
 AND Don't Affect To They in all, No  
 Matter Their Or Any Of Their MISCONDUCTS  
 Unless That The Inmate(s) Go To Trial, AND  
 A Jury Found The ~~Staff~~ PERSONALLY LIABLE  
 OF THE VIOLATIONS So, They Will To Pay All This  
 So, After That The State Pay All This.

376 > The grievance system was created for  
 resolve problems, However they has used it  
 for cover up staff MISCONDUCTS AND Refuse  
 to resolve the problems in facility or docu  
 levels. This has come to a point that most  
 time investigations are not conducted in all  
 they simply Denial the grievances AND that it

377 > The Defendants Lemke, Brown, Crouley,  
 Freeman, Schumacher, Stark, Levent,  
 Toporek, Roberts, Gregoire, Luca, Krizier,  
 Blake, Furlani, Ferron, Meier, Keenan,  
 Kolnigsmann, Bellini, Ramirez, Romero,  
 Britany, Venetozzi, Prack, Annucci, Brown,  
 Fucina, Heif, McKay, Boell, Ash, Hill,  
 Connolly, Meador, Killinger, Sowa, AND  
 Chief Inspector General, Has all AND each  
 of they, Learned each one all violations the  
 which abren has suffered or suffering in  
 Wande/JHU, they has be aware of the DEPRIVATION  
 one has fail to remedy it, AND has  
 allowed to continue the policy of unconstitutional  
 practices occurred, AND failed to correct them even  
 learns all this violations through reports, grievances & complaints.  
 # (84)

- 378) This Defendants Above, "PERSONALLY had a job - DUTY TO DO AND THEY DID NOT DO IT, AND THEIR FAILURE TO DO THEIR JOB-DUTY WERE" SO LIKELY TO RESULT IN THE VIOLATION OF ABREU CONSTITUTIONAL RIGHTS AS TO ESTABLISH DELIBERATE INDIFFERENCE ON HIS PARTS.
- 379) DELIBERATE INDIFFERENCE BY THIS DEFENDANTS TO ABREU CONSTITUTIONAL RIGHTS IS SUFFICIENT TO ESTABLISH LIABLE UNDER 42 U.S.C. § 1983.
- 380) THIS DEFENDANTS ABOVE HAS VIOLATED ABREU 1ST, 8TH AND 14TH AMEND. RIGHTS - STATE LAWS ADA § REHABILITATION ACT - APA (ADMINISTRATIVE PROCEDURE ACT / MONDAMUS (5 U.S.C §§ 551-583, 701-706, 801-808, 3105, 3344, 6362 AND 7562) AND VIOLATED THE RFRA / RLUIPA (THE RELIGIOUS FREEDOM RESTORATION ACT AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSON ACT) AND VIOLATED THE 42 U.S.C §§ 1981, 1982, § 1985 AND § 1986 (RACIAL DISCRIMINATIONS AND CIVIL RIGHTS CONSPIRACY CLAIMS). THE WHICH ARE GOVERNED ALSO UNDER § 1983.
- 381) DEFENDANTS POWELL AND DOE JOHNS HAS VIOLATED ABREU RIGHTS. ON JANUARY/08/2015 TO JANUARY/13/2015
- 382) ON JAN/08/2015 ABREU WAS PLACED IN THE MENTAL HEALTH UNIT (MHU) OBSERVATORY (OBS. CELL) IN WHEEL C.F. OMN JAILHOUSE UNIT, WHERE ON UNUSUAL, ARBITRARY, COERCIOUS AND HUMILIATE OR EMBARRASSMENT STRIP SEARCHES / BODY SEARCH WAS CONDUCTED BY DEFENDANT POWELL, FRONT IDOLS (SUPERVISOR) AND OTHER C.O.s.
- 383) DEFENDANT POWELL ~~FORCED~~ TO ABREU TO KEEP HIS BUTT COMPLETELY OPEN FRONT HIM.  
# (85)

384 > Abren was FORCED TO REMOVE ALL CLOTHES STILL TO BE COMPLETELY NAKED / MAKE FRONT C.O. POWELL, AND FRONT TWO TO 3 EXTRA C.O.S AND A SGT / SUPERVISOR

385 > Abren abren was COMPLETELY NAKED C.O. POWELL SAY "OH THIS IS THE MOTHERFUCK WHO ALWAYS IS WRITING GRIEVANCES AGAINST STAFF"? THE SUPERVISOR SAY YES HE IS

386 > C.O. POWELL FORCED ABREN THEN, TO TOUCH HIS PENIS, UP & DOWN IT SHOW TESTICLES UP AND DOWN, AND NOW PUT HIS FINGERS INSIDE OF HIS MOUTH AND LIPS WITH THE SAME HAND/FINGERS THAT ABREN TOUCHED HIS PENIS / AND TESTICLES, THEY SMILED ABOUT ALL THIS.

387 > AFTER DEFENDANT POWELL, FORCE TO ABREN, TO OPEN HIS ASS- BUTT / CHEEK AND MAKE COMMENTS LIKE "UUUUU" "LOOK THAT BIG BUTT" THIS MAN HAVE "HARRRRH". THEN WHEN ABREN REMOVED HIS HANDS FROM HIS BUTT, C.O. POWELL SAY "NO, NO, NO, NO, OPEN YOUR FUCKING ASS AGAIN, I DON'T FINISH TO LOOK IN IT, AND KEEP IT OPEN."

388 > HE FORCE ABREN TO KEEP OPEN HIS BUTT CHEEKS FOR SEVERAL MINUTS AND ORDERED ABREN DON'T MOVE AND KEEP IN THAT POSITION, STILL THEY CLOSE UP THE ROOM DOOR

389 > SO, ABREN WAS FORCED TO KEEP HIS BUTT ASS OPEN STILL THEY WALKING AWAYS OUT OF THE ROOM AND CLOSED THE OBS CELL DOOR. THEN WAS THERE WHEN ABREN WAS ALLOWED TO REMOVE HIS BOTH HAND FROM HIS CHEEKS BUTT.

390 > FROM JAN/08/2015 TO JAN/13/2015 ABREN RELIGIOUS MEALS / KASHER MEALS WERE VIOLATEDS BY C.O. POWELL AND OTHERS C.O.S. ALSO.  
 XI 1961

391) They were denied Abreu all Hot waters, all coffees AND TEAS, they were opened Abreu soups out of his presence; opened Abreu cheeses, salamis, Bologna packets out of Abreu's presence; opened all AND each container from Abreu food meals items AND throwing it inside of the trays all together, like Abreu was a dog OR an animal.

392) When inmates receive Kosher meals all and each item come **completely** closed from the mess-hall, prison officials are not allowed to touch OR open it foods, because they are religious meals, and doing so will violate prisoner rights AND their religious beliefs.

393) The C.O.s were doing so, because they don't like Jewish prisoners, OR inmates who receive Kosher meals, because they believe they receive too much OR too many **privileges** in prisons. With their foods **many** of this prison official has the belief that all AND each prisoners are supposed to eat the same foods, AND that religious foods will not exist in prison. So, for this reasons regularly they violate the Jewish religious meals intentionally AND in bad faith, for to force to prisoner to eat only regular foods.

394) The C.O. Powell, DeCoubants, Doss, AND OTHER C.O.s were also denied Abreu meals / Kosher meals for few days, all intentionally AND bad faith for force Abreu to eat regular meals / foods. in the MHU 065 cell.

395) The Defendants above has violated the 1st, 4th, 8th, AND 14th Amend Rights, AND violated Abreu Federal AND States Rights, laws AND other civil rights who protect Abreu of this classes of violations.  
#1871

- 396 > THE FOURTH AMENDMENT ALSO PROVIDES THAT "THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE... THE DUE PROCESS CLAUSES' PROTECTION OF LIBERTY (4TH AND 14TH AMEND RIGHTS U.S CONST). ALSO INCLUDES CERTAIN PRIVACY-RELATED INTEREST, INCLUDING "THE INDIVIDUAL INTEREST IN AVOIDING DISCLOSURE OF PERSONAL MATTERS" AND INTEREST IN MAKING CERTAIN KINDS OF IMPORTANT DECISIONS.
- 397 > STATE LAW ALSO GENERALLY PROTECTS BROADER RIGHTS OF PRIVACY AND UNREASONABLE STRIP SEARCHES, SUCH AS THE FEDERAL CONSTITUTION IN THIS ISSUE, SO, ABREU RIGHTS WERE VIOLATED.
- 398 > THE DEFENDANT SKUBIS, HE IS DENIED ABREU ALL CLASSES OF COUNSELING SERVICES AND HAS ENGAGED IN CAMPAIGN OF HARASSMENTS AND RETALIATIONS, AND DISCRIMINATIONS AGAINST ABREU, WITH SOME SEXUAL HARASSMENTS.
- 399 > DEFENDANTS SKUBIS HAVE ALSO TREATED TO PUT OTHER STAFF AGAINST ABREU, AND HE HAS BEEN INVESTIGATED TWO TIME (TWICE) BY INSPECTOR GENERAL OFFICE / OFFICE OF INVESTIGATIONS FOR HARASS, RETALIATE, AND DISCRIMINATE AGAINST ABREU IN WARD C.A. SHU
- 400 > THE MOST RECENT DISCRIMINATION AND SEXUAL HARASSMENTS HAPPENED IN FEBR, 2015 IN A PRIVACY SHU ROOM WHERE THE MICROPHONES ARE TURNED OFF. THERE IN THAT ROOM HE CALLED ABREU BITCH, FUCKING ROPED YOU OWN COUNTRY. DON'T WANT YOU BACK, GET OUT OF MY COUNTRY, SUCK MY DICK, YOU MAMMA IS A BITCH, AND OTHERS MANY OFFENSIVE AND THREATENING STATEMENTS OF SEXUAL NATURES.

401) HE MADE ALL THIS FRONT THE CO MAXER WHO REFUSED AND FAIL TO PROTECT ABREU FROM CONNELLOR SKUBIS, AND TO THE PRESENT THE DEFENDANTS SKUBIS CONTINUE WITH HIS OPEN DISCRIMINATIONS HARASSMENTS AND RETALIATIONS AND THE DEFENDANTS CHIEF OF INSPECTOR GENERAL LEMPKER BROWN AND ANNUNCI AND CROWLEY HAS ALL FAILED OR/AND REFUSED TO PROTECT ABREU, AND REMOVE TO SKUBIS OF THE SHU. EVEN SOME OF THEM PERSONALLY OBSERVED SOME OF THE INCIDENTS FROM SEPTEMBER 2014 TO THE PRESENT MARCH/2015.

402) THE DEFENDANTS SKUBIS AND KRYGIER HAS ALSO ENGAGED IN A CAMPAIGN IN DENIED ABREU ALL AND EACH FOIL REQUEST (FREEDOM OF INFORMATION LAW REQUEST) STARTED FROM JANUARY 2015 TO THE PRESENT MARCH / 2015.

403) THEY HAS BOTH (KRYGIER AND SKUBIS) STARTED TO DENIAL ABREU ALL AND EACH FOIL REQUEST OR/AND INTERFERING, AND IMPEDED WITH ABREU RIGHTS IN REVIEW FOIL REQUEST DOCUMENTS PAPERS, AND INFORMATIONS, ALL INTENTIONALLY IN BAD FAITH AND MADE MAINLY IN RETALIATIONS, REPRISALS AND DISCRIMINATIONS.

404) ALL THE PROBLEMS WITH THE FOIL REQUEST STARTED AFTER ABREU FILED SEVERAL GRIEVANCES AND COMPLAINTS AGAINST BOTH KRYGIER AND SKUBIS.

405) SO THEY STARTED TO PUT MORE, AND MORE DIFFICULTY IN ABREU CAN GET OR REVIEW FOIL REQUEST, STILL A POINT THAT THEY HAS NOW DENIED ALL AND EACH FOIL REQUEST FOR REVIEWS, AND STARTED TO REQUEST SPECIAL REQUIREMENTS AGAINST ABREU TO THE FACILITY ADMINISTRATION AND DOES FOR AVOID THAT ABREU RECEIVE FOIL.

- 406) many of this special requirements were arbitrary, capricious, discriminatory, retaliatory, abusive, and an abuse of discretion, power and authority.
- 407) Not only they started to Denial Abren all FOIL Request for documents Hearing tapes, papers and records, and directives and/or policies. They were trying Abren completely different to all other inmates in similar situations or/one similar
- 408) Example the 5th inmates in ward C.F can receive FOIL Request daily (Monday to Friday) and keep the FOIL Request from 1 day to 3 days in their cells, reviewed all papers documents, tapes ect
- 409) In the case of Abren in Retaliations & Discriminations they required to the facility administration and docs authorities, to Denial Abren of FOIL Request for review, or to limit it to only one time in the week and limit the review to only 3 hours rather than 24 to 72 hours the which Abren, is allowed to review the FOIL Request.
- 410) And Counselor Skubis will to pick up the day in the week and the 3 hours allowed not Abren. However they keep the first Request of Denial Abren all FOIL Request any way, with or without Authorizations from the facility administration or Albany approve
- 411) Upon information and believe the defendants Crowley, Lompke, Brown, Annucci, Benharr Counsel office /Boil; Mckay, CORC/docs Hall and Schumacher has approved, allowed or/one permitted, all this violations. Discriminatory treatments and Retaliatory treatments against Abren
- #(90)

- 412) Moreover this Defendants has learned personally of all and each of this violations AND MISCONDUCTS FROM SKUBS AND KRYGER through grievance, letters of complaints AND MULTIPLE Appeals, so, this is not something that they don't know and this is not something that they are not aware they have further knowledges about all this. UNCONSTITUTIONAL VIOLATIONS, AND OF THE VIOLATIONS OF ABSEN RIGHTS THROUGH STATE AND FEDERAL LAWS REGARDING FOIL/FAIR
- 413) but the Defendants above has taken the choice of deliberate indifference OF all AND each ABSEN RIGHTS be this provided via FEDERAL OR STATE LAWS OR REGULATIONS OR VIA THE CONSTITUTION OF THE U.S./N.Y.S.
- 414) The rights to access the files of the UNITED STATES GOVERNMENT is established by two federal laws THE FREEDOM OF INFORMATION ACT (5 U.S.C § 552 (2000)) and THE PRIVACY ACT OF 1974 (5 U.S.C § 552(a) (2000)). (Enacted both in 1986 AND IN 1974).
- 415) These laws have been tremendously successful - FULL IN enabling public access to government files. THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT. It gives a person (INCLUDING PRISONERS IN PRISONS) the right not only to look at MY OWN RECORDS but to correct change or remove records that contain incorrect irrelevant or incomplete informations about me, and if my request for review, or get documents papers, TOP SECRET informations, RECORDS etc is INCORRECTLY DENIED OR IGNORED I can sue under the laws in FEDERAL OR STATE COURTS. Against the PRISON OFFICIALS OR AGENCIES who DENIED all this to me.

416 > THIS LAW IMPLEMENTS ONE OF THE BASIC PRINCIPLES OF DEMOCRACY - THE PUBLIC'S AND PRISONER'S RIGHTS TO KNOW WHAT ITS GOVERNMENT IS DOING.

417 > THE NEW YORK FREEDOM OF INFORMATION LAW / FOIL GRANTS NEW YORK STATE PRISONERS A RIGHT TO ACCESS TO PRISON RECORDS, AND TO STATEMENTS AND MEMORANDA THAT LAY OUT THE DOCS POLICIES, DIRECTIVES, MANUALS, AND OTHER RECORDS.

418 > THIS LAW UNDER FOIL WAS PATTERNED AFTER THE FOIA FEDERAL LAW, AND WAS DESIGNED TO MAKE AVAILABLE TO THE PUBLIC ALL DOCUMENTS GENERATED BY, AND IN THE POSSESSION OF, THE GOVERNMENTS. SEE EG RALPH J. MARINO THE N.Y. FOIL 43 FORBHAM L. REV. 83, 83 (1974), SENATOR MARINO WAS THE SENATOR SPONSOR OF THE LAW, SEE ALSO N.Y. PUB. OFF. LAW § 84 (MCKINNEY 2001 § SUPP 2007-2015), N.Y. PUB. OFF. LAW §§ 84-96 AND THE 'N.Y.CCRR TITL 7 §§ 5 ET SEQ. 2005, AND DOCS DIRECTIVE # 2010.

419 > SO, BECAUSE THIS COMPLAINT ALSO INCLUDE FEDERAL AND STATE LAW VIOLATIONS THIS LAW APPLY TO THIS COMPLAINT, AND WILL BE ENFORCED TOO. AGAINST THE DEFENDANTS IN THIS CASE AND CLAIMS AND ACTIONS.

420 > THE DEFENDANTS ABOVE HAS VIOLATED OR CONTINUE VIOLATED TO THE PRESENT ABREU 1ST 4TH 6TH, 8TH AND 14TH AMEND RIGHTS AND VIOLATED CLEARLY THE 42 USC §§ 5 1981; 1982; 1985 AND 1986 (DISCRIMINATIONS AND CIVIL RIGHTS CONSPIRACY CLAIMS), AND VIOLATIONS OF THE APA, AND OTHERS FEDERAL AND STATE LAWS RIGHTS AND REGULATIONS. INCLUDING THOSE MENTIONED AND SPECIFIC ABOVE.

- 421 > Defendant ROBERTS CONTINUE TO THE PRESENT RETALIATED, HARASSED AND DISCRIMINATE ABREU, WHO HAS WRITTEN AGAINST HIM MULTIPLE GRIEVANCES OR COMPLAINTS, VERBAL, AND IN WRITTEN.
- 422 > ON 3/02 /2015 Defendant ROBERTS KEEP ABREU HANDCUFFED WITH A SPECIAL SUIT IN A SMALL CELL DENIED ABREU FOODS AND ABREU WAS IN THAT SMALL ROOM BETWEEN 2 TO 3 HOURS, WITHOUT ANY CHAIR, OR TABLE.
- 423 > THE SAME DAY THE DEFENDANT ROBERT AND DEFENDANT LABEZ ORDERING BY DEFENDANT BROWN TO CONDUCT A SEARCH IN ABREU CELL, AND REMOVE ALL AND EACH ONLY MAGS WITH NUDE / PORN PICTURES, HOWEVER DEFENDANTS ROBERT AND MAXER REMOVED ALL AND EACH OF ABREU MAGAZINES AND NEWSPAPERS, BOOKS ETC, THE WHICH NOT WERE NUDES / OR PORN.
- 424 > ABREU FILED GRIEVANCES / COMPLAINT ABOUT ALL THIS AND DEFENDANTS ROBERT AND MAXER ALONG WITH OTHERS C.O.S. HAS STARTED TO THREAT ABREU WITH PHYSICAL ASSAULTS, AND COMMITTING OTHERS MANY MISCONDUCTS, OR ALLOWED OTHERS MANY MISCONDUCTS SUCH AS ABREU CELL WATERS BE TURNED OFF, OR FLOODING ABREU CELL WITH WATERS OR BURNED ABREU SKIN WITH HOT WATERS, AND / OR DENIED ABREU GET MEDICAL CARE / ATTENTIONS TO INJURIES OR PRE-INJURED COMPLAINTINGS.
- 425 > THIS DEFENDANT MISCONDUCTS CONTINUE TO THE PRESENT, AND ABREU CONTINUE SUFFERING IMMINENT DANGER. AND DEFENDANTS LEMAKE, BROWN I.G. CHIEF, ANNICCI BELINIER, BELINONY KOENIGSMANN, N.Y.S. DECU, STICK, ORTH. PRAACK, VEWELTTOZZI CONTINUE IGNORE ABREU COMPLAINTS, ALL THIS VIOLATED ALSO THE 1ST 4TH 5TH, 8TH AND 14TH AMEND. RIGHTS

426) The Defendants Provoke also in 3/02/05 that Abreu suffering Pains, Cuts, AND Bruises Due to the Handcuffs keep on in Abreu both wrists/hands. AND wrote a false Report Abreu for try to cover up all this. The ticket was written only because Abreu asked to talk with a Watch Command. (L.T. assigned to the SHU)

427) Abreu regularly receive misbehavior reports, only because he demand, request writing grievances making complaints, write letters AND fight for his rights OR because he try to force his rights, AND laws in prisons/SHU, the which this type of tickets is a clear violations, of the Correction law § 138. AND a violation of the N.Y.S. Constitution AND First Amend Rights under the Freedom of Speech. And Right to petition the government for a redress of grievance, see also eg. Loggins v. DeLo, 999 F.2d 364, 367 874 (2d Cir 1993). Hall v. Curran, 818 F.2d 1040, 1044-45 (2d Cir 1987), AND Brook v. Angolina, 826 F.2d 1266, 1268 (3d Cir 1987) (Courts do not allow prison officials to censor and discipline prisoners based on statements in writing that are intended to insult prison personnel or defamatory comments directed at prison officials, even if such statements would be prohibited if expressed verbally).

428) Defendants Ferron AND Bellamy has started to interfering AND impeded, Abreu grievances AND complaints in order if no process many of they mainly those grievances or appeals the which will affect directly to several prison or DOCs officials. Abreu has written complaints about all this AND written to both defendants asked to they to stop this violations Abreu be ignored. They have violated Abreu 1st AND 14th Amend. Rights. #104.

- 429) Abreu is suffering AND continue suffering to the moment of the filing of this complaint irreparable harms injuries AND imminent danger of serious physical injuries AND harm.
- 430) Abreu is behind plexiglass (Double Cell Shields) with lack of oxygen, air AND ventilations, the which also deprived Abreu of proper or adequate heating.
- 431) Abreu is forced to wear a special suit, Abreu is forced to wear a lock with the suit along with a belt AND handcuff that provided pains AND injuries AND harm Abreu including threats of physical assaults, humiliations, discriminations, retaliations, denial of proper or adequate medical AND mental health services, denial of counseling services, denial of medications AND examinations, the which also provided psychological injuries AND trauma.
- 432) Abreu is under concurrent orders of deprivations of recreations, showers, magazines/newspapers, hearings (and all outside activities from his cell).
- 433) Abreu continue bleeding from mouth, noses AND anus rectal/stool along with denial of all medical care for this medical conditions AND symptoms.
- 434) Abreu is frequently AND regularly denied of all his T. B. medications by defendants, OR interfere OR impeded that Abreu receive his T. B. meds, regular meds AND mental health medications, the which will provoke Abreu suffer serious irreversible harms pains suffering AND still the death, for lack of his medications.

435) Abreu DON'T HAVE YET RECEIVED THE CONOTOSCOPY THE HOMB SURGERY AND HE NOT HAVE YET RECEIVED HIS ORTHOPEDIC BOOT AND BACK BACK/SUPPORT THE WHICH ABREU URGENTLY NEED;

436) Abreu TO THE PRESENT NEITHER HAS RECEIVED HIS NASAL SPRAY, AND LIPIDOL MEDS FOR HIGH CHOLESTEROL AND WEATHER CONDITIONS, ABREU WITHOUT HIS NASAL SPRAY WILL SUFFER A RESPIRATORY ATTACK AND OR STROKE OR HEART ATTACK WITHOUT HIS LIPIDOL MEDS.

437) Abreu CONTINUE BEHIND OF DOUBLE CELL SHIELD / PLEXIGLASSES WILL SUFFER OR AN ASTHMA ATTACK FOR LACK OF VENTILATIONS. THE VENTILATOR INSIDE OF ABREU CELL DON'T WORK IN ALL AND IT IS ALSO COVERED UP NEARING COMPLETELY BY THE SINK-TOILET, PLACED ON OF IT. SO, THERE REALLY DON'T THERE ONLY VENTILATOR IN ALL, AND THE HOUSE THAT HAS THE REGULAR CELL SHIELD / PLEXIGLASSES HAS BE COVERED COMPLETELY FOR THE SPECIAL CELL SHIELD / PLEXIGLASSES PLACED ON OF THE REGULAR PLEXIGLASSES ON THE CELL DOOR / CELL BARS; SO, THERE IS NO AWAY IN ALL THAT PROPER OR OBSCURED AIR, OXYGEN, OR VENTILATIONS GOING INSIDE ABREU CELL. SO, THE DEFENDANTS ARE TRYING TO KILL ABREU THERE ARE NOT ONLY OTHER EXPLANATIONS FOR THIS. MISCONDUCTS, ABUSES, DISCRIMINATIONS AND RETALIATIONS.

438) Abreu IS UNABLE CAN GO TO VISIT WITH HIS FAMILY WEARING THE SPECIAL SUIT, LOCK, ~~BLAT~~ AND HANDCUFFS FOR FEAR TO BE ASSAULTED OR ATTACKED BY OTHER INMATES, OR THAT ABREU FAMILY BE ATTACKED, AND HUMILIATED BECAUSE THE SUIT CREATE DISCRIMINATIONS, AND REJECTIONS TO THE INMATE WHO WEAR IT NOT ONLY BY OTHERS INMATES STILL BY THE OWN PRISON STAFF, WHO SEE IT SUIT.

**439**) Abreu Cell Water not have been fixed or repaired yet by the defendants the cold water continued turned off, the hot water continue keeping in high pressure, provoked that Abreu be unable to drink water, and provoked that Abreu lips get burned or when Abreu try to take of it water burned his hands damages his properties and legal papers

**440**) The defendants has personally observed all this in their shift rounds, defendants such as Lemke, ~~Brown~~, Lucas, Crowley, Hill, Hodges, Roberts, Schumacher, Vazquez, Keenan, Minder, Stablick, Hamilton, Reid, Stirk, Meora, Sowa, Herbiton, Magxor, Gregoire, Furloni, Mexer, Tabasz, and Levitt and others nurses such as Glory, Jane Johns 1, 2, and 3, Connolly, & Wilson. But all and each of they has only smiled, and refused to resolve the problems provoked by defendant Hamilton and Rosblock. Still defendant Doc John / Inmate grievance program Sgt / SUPERVISOR / has ignored Abreu complaints in his shift rounds every each week (once time in week)

**441**) Abreu only received on open deliberate indifference to all and each of this unconstitutional violations.

**442**) Defendant Blake has also refused to pay Abreu damages or loss property and has interfering and impeded that Abreu can to litigate his claims in the court or claims. not process Abreu claims, when Abreu properties has a values of between \$25,000 to \$55,000 dollars or more only in legal papers of several legal books. This is without count the others properties missing or destroyed by docs.

443) The Defendants Has also Denied Abreu Proper And Adequate interpreter And translations in Hearings, in Medical And mental Health Interviews in Grievance, And Complaints interviews by Prison officials or by Inspector General Office. Denied interpreter And translation in sick call services in mental Health services, in Counselor services in Therapy services, and in other situations.

444) Violated Abreu Rights And Violated The Recently U.S. Department Of Justice Civil Rights Order. That Mandated And Required to They And DOCS to provide adequate And Proper Bilingual services, Spanish translations/interpreter to Abreu in Medical And mental Health services, in Grievances And Complaint Interviews in I.G. Office of Investigations Interview And Investigations in Law Library services in Counseling services, in Disciplinary Hearings, and in Assistant Att.

445) Even the Defendants Has further knowledge of this agreement signed by U.S. Dept of Justice. The DOCS, the OMH, And the Commissioners. The Defendants continue to the present Denied Abreu this Civil Rights. And Discriminated to him. in violation of the Civil Rights of 1964 the which prohibit Discriminations, such as the U.S. Dept of Justice Has advised to the Defendants. (DOCS/OMH N.Y.S.) And this authorities And Prison officials.

446) The Defendants continue placed Abreu in an Imminent dangers and irreparable Harm placed Abreu Health, Life, Safety, Security Wellbeing. Care And Welfare in an Imminent danger of serious injuries/Harm.

# CLAIMS FOR RELIEF

## Relief Requested

WHEREFORE, Plaintiff Requests, That  
The Court Grant The Following Relief:

A. Issue a Declaratory Judgment stating  
That:

- 1) The Defendants violated the Plaintiff's Rights 1<sup>ST</sup>, 4<sup>TH</sup>, **5<sup>TH</sup>**, 8<sup>TH</sup> AND 14<sup>TH</sup> Amendment Rights AND violated the Due Process, CRUEL AND UNUSUAL PUNISHMENT, UNUSUAL SEARCH OR UNLAWFUL SEARCH, **RELIGION** Rights, Double **JEOPARDY** THE ARTICLES OF THE U.S. Constitution; The EX POST FACTO LAW.
- 2) The Defendants violated the Plaintiff Rights under state law, federal laws, The APA, The ADA AND Rehabilitation Act, AND OTHERS RIGHTS.
- 3) The Defendants violated the Plaintiff Rights UNDER Regulation AND DIRECTIVES AND Policies.

B). Issue ~~on~~ injunction ORDERING Defendants to Remove the Plexiglasses FROM Abreu cell DOOR / cell bar, Remove the cell shoes AND to **TERMINATE** the **SPECIAL Suits**, ORDERS, to **TERMINATE** the DEPRIVATIONS AND **TERMINATE** the RESTRAINED ORDERS, TO **TERMINATE** the SPECIAL placards/signs, 'Placed Front Abreu cell.

C) Issue on Injunction ORDERING The Defendants OR their agents, their successors, in office; employees; and all other persons acting in concert and participation with them

- 1) Provide Abreu with his eye glasses with sv. trays lenses.
- 2) Provide Abreu with his medical boots
- 3) Provide Abreu with his Back brace,
- 4) Provide Abreu with a colonoscopy,
- 5) Provide Abreu with a Hand surgery for his carpal tunnel
- 6) Provide Abreu with proper physical therapy and proper pain medications
- 7) Provide Abreu with his Lipitor (Claritin) medications, and his nasal sprays
- 8) Provide Abreu with his mental health medications
- 9) Provide Abreu with all necessary and proper and obligated mental health services, programs and treatments
- 10) Provide Abreu with all proper and obligated medical and mental health examinations, and evaluations by specialists
- 11) And (A) ordering that legal copies be provided Abreu (B) **Spanish Stations** be placed in the **SHU Radio Room** (C) and the hot water for Abreu kosher meals be provided for the defendants (D) including all Spanish materials of the which Abreu is entitled to receive in the SHU.
- D) Issue an injunction ordering that all tickets, hearings, and sentences be expunged from Abreu records described in complaint.

- (E) ISSUE ON Injunction ORDERING TO THE DEFENDANTS PROVIDE ABREU WITH SPANISH TRANSLATIONS AND INTERPRETERS IN HEARINGS IN SICK-CALL SERVICES, MEDICAL SERVICES, IN COUNSELING SERVICES, IN MENTAL HEALTH SERVICES AND INTERVIEWS, IN GRIEVANCES AND COMPLAINTS INVESTIGATIONS AND INTERVIEWS IN INSPECTOR GENERAL OFFICE / OFFICE OF INVESTIGATIONS INTERVIEWS, IN THERAPY, ETC. SUCH AS MONITOR AND REQUIRED THE U.S. DEPT OF JUSTICE, THE CIVIL RIGHTS, THE AGREEMENTS, AND ANY OTHER RIGHTS AND LAWS.
- (F) ISSUE ON Injunction ORDERING TO THE DEFENDANTS TO RETURN ABREU ALL ONE EACH OF HIS MAGAZINES AND NEWSPAPERS BE THIS REGULAR OR PORN OR NUDE MOGS.
- (G) ISSUE ON Injunction ORDERING TO THE DEFENDANTS TO PAY ALL ABREU, DAMAGES PERSONAL PROPERTIES, LEGAL MATERIALS, AND MISSING OR LOSS OR DESTROYED PERSONAL PROPERTIES OR BELONGING ITEMS MADE BY THE DEFENDANTS, WITHOUT ABREU PERMIT/CONSENTS
- (H) ISSUE ON Injunction ORDERING TO THE DEFENDANTS TO REPAIR, AND FIX IMMEDIATELY ABREU CELL WATER FROM HIS CELL SINK.
- (I) ISSUE ON Injunction ORDERING TO THE DEFENDANTS TO PROVIDE ABREU WITH LONG JOINS TOP/BOTTOM IN THE SHU FOR TO FIGHT THE COLD CONDITIONS IN THE SHU CELL, THE WHICH IS EXTREMELY COLD.
- (J) ISSUE ON Injunction ORDERING TO THE DEFENDANTS TO STOP THE VIOLATIONS OF THE KOSHER MEALS IN THE MTH OBS CELL TO PROVIDE HOT WATERS TO THE MTH OBS CELLS AND STOP/CEASE THE INAPPROPRIATE STRIP SEARCHES, IN THE MTH OBS CELLS AND IN SHU.

(K) ISSUE ON INJUNCTION ORDERING THE DEFENDANTS TO PROVIDE ABREM PROTECTIONS FROM JUNKIES WHO ARE TRYING TO ASSAULT HIM OR /and OR THOSE WHO HAS ALREADY ASSAULTED HIM AND SEXUALLY HARASSED ABREM. AND PROTECTIONS TO HIS PERSONAL PROPERTIES LEGAL MATERIALS LEGAL BOOKS AND BELONGING PROPERTIES, THE WHICH THEY HAS ACCESS.

(L) ISSUE ON INJUNCTION ORDERING THE DEFENDANTS ARRUCCI, LENAKE, CHIEF INSPECTOR GENERAL ETC., TO FILE CHARGES (CRIMINAL CHARGES AGAINST THOSE JUNKIES WHO ASSAULTED ABREM WITH HOT WATER BURNED PART OF HIS BODY, AND THOSE WHO ALLOWED TO THIS JUNKIE TO DO SO.

(M) ISSUE ON INJUNCTION FINDING THE POLICY AND DIRECTIVE ABOUT INMATE EXPOSURE CONTROL, AND SPECIAL SUITS TO BE UNCONSTITUTIONAL AND DISCRIMINATORY, **TO THOSE OFFENDER/INMATES WHO WEAR THE SUITS** TO "SUFFER SERIOUS HUMILIATIONS AND SERIOUS THREATS TO THEIR SECURITY, SAFETY AND WELLBEING, INCLUDING TO THE INMATES FAMILY AND LOVED ONE WHO CAME TO VISIT TO THEM, AND WILL SUFFER REPRISALS. AND HUMILIATE TO OUR OWN FAMILY THE WHICH DON'T HAVE NOTHING TO DO WITH THE PRISON SYSTEM SUCH AS FOR TO PAY THAT UNNECESSARIES HUMILIATIONS OR DANGER THAT PROVOKE THE SPECIAL SUITS IN THOSE INMATES SUCH AS ABREM WHO WEAR IT INVOLUNTARILLY, AND **FORCEFULLY**, AGAINST HE DESIRE/WISH.

(N) MOREOVER THE SPECIAL SUIT/EXPOSURE SUIT CLEARLY VIOLATE ALSO THE CONSTITUTION UNDER THE THEORY OF THE RIGHTS TO PRIVACY BECAUSE PRISONERS ARE CONSTITUTIONALLY ENTITLED TO PRIVACY, BECAUSE PRISONERS MAY NOT BE PUT ON DISPLAY FOR THE ENTERTAINMENT OF THE PUBLIC OR PRISON OFFICIALS. SEE 99 LAURO V. CHARLES 219 F.3d 202, 203 (2d CIR 2000); DEMERY V. ARPAIO 378 F.3d 1029-39 (9th CIR 2004) ANDERSON V. ROMERO 72 F.3d 518 (1995) AND CASES CITED.


# VERIFICATIONS

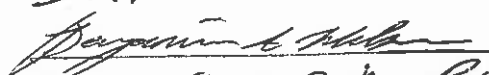
STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:

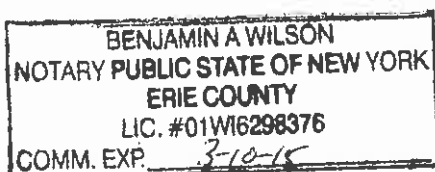
CARLOS ABREU, being, duly sworn, says:

I am the plaintiff above named; I have read the foregoing Complaint against each Defendant stated in the Complaint and claims. AND KNOW ITS CONTENTS; THE SAME IS TRUE TO MY KNOWLEDGE, EXCEPT AS TO THE MATTER THEREIN STATED TO BE ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTER, I BELIEVE IT TO BE TRUE

Dated: 3/15/2015  
ERIE COUNTY N.Y.S.

  
CARLOS ABREU  
WINDY CORP, INC.

SWORN to before  
me this 15  
Day of March 2015  
  
NOTARY PUBLIC



(O) AWARD COMPENSATORY DAMAGES AND  
ORDER DEFENDANTS TO PAY COMPENSATORY  
DAMAGES TO PLAINTIFF ABREU

AWARD PUNITIVE DAMAGES AND  
ORDER DEFENDANTS TO PAY PUNITIVE  
DAMAGES TO PLAINTIFF ABREU

" - OR - "  
" ALTERNATIVELY "

(P) \* > AWARD COMPENSATORY DAMAGES IN THE  
FOLLOWING AMOUNTS

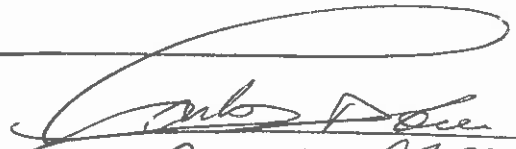
1 > \$ 25,000,000 (25 MILLIONS OF DOLLARS)  
JOINTLY AND SEVERALLY AGAINST ALL  
THE DEFENDANTS

(Q) \* > AWARD PUNITIVE DAMAGES IN THE  
FOLLOWING AMOUNTS

1 > \$ 10,000,000 (10 MILLIONS OF DOLLARS)  
JOINTLY AND SEVERALLY AGAINST ALL  
THE DEFENDANTS


" GRANT SUCH OTHER RELIEF AS IT MAY APPEAR THAT PLAINTIFF  
IS ENTITLED. "

DATED: 3/15/2015.

  
CARLOS ABREU  
# 99A3027  
SHU-42-17011  
WINDY CORR FAC  
WINDY RD, P.O.  
BOX 1187  
AIDEN, N.Y 14004-1187

PURSUANT TO 28 U.S.C § 1746  
I DECLARE UNDER PENALTY OF  
PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT

DATED 3/15/2015

  
# ( 103 )

URGENT

TO: JASON D. EFFMAN  
Associate Commissioner  
N.Y.S. DOCS BUILDING #2  
1220 Washington Avenue  
Albany, N.Y. 12226. 2050

FROM: CARLOS ABRON  
# 99A3027  
SHU. 42. 17 cell  
White C.R. Fac.  
White Rd P.O. Box 1187  
Alden, N.Y. 14007

Date. 3/12/2015

Re: The abuses continue / STAFF MISCONDUCTS

Dear MR. EFFMAN:

ON 3/04/2015 you sent to the Inspector  
General Investigator to investigate my  
complaints regarding sexual harassment from  
counselor SKUBIS AND C.O. HAMILTON in the  
SHU. AFTER OF THE INTERVIEW WITH I.G.  
OFFICE / OFFICE OF INVESTIGATIONS (INVESTIGATOR)  
THE SHU SGT MEORA TO INTERVIEW ME ALSO

REGARDING THE SAME ISSUES, I.G. INVESTIGATOR WAS STILL INSIDE OF THE ROOM WHEN THE SGT MOVED GO INSIDE TO INTERVIEW ME, ABOUT THE SAME COMPLAINTS.

APPROX 20 TO 30 MINUTES I.G. INVESTIGATOR LEFT, WHEN I WAS INSIDE OF MY CELL THE C.O HAMILTON IN RETALIATIONS FOR THE INVESTIGATIONS AGAINST HIM AND SKUBIS GO BEHIND MY CELL WALL WHERE ARE PLACEDS THE CONNECTIONS OF THE SINK AND TUB, AND KNOCK AND KICKED MY CELL BACK ~~DOOR~~ WALL AND YELLING ME YOU WILL GO SEE HOW MOTHER-  
-KICKER I WILL GO KILL YOU, FUCKING BITCH AND THEN ALOT OF WATERS IN A PRESSURING MANNER STARTING TO COMING OUT FROM MY SINK, THE WATER HAS SO MANY PRESSURE THAT IT TOUCH THE CEILING OF MY CELL, AND CELL DOOR, HE KEEP IT FOR SEVERAL MINUTES, WETTING ME, MY BED, CLOTHES, LEGAL MATERIALS, LEGAL BOOKS, (PROPERTIES) AFTER HE LEFT AND WALK FRONT MY CELL DOOR TO LOOK THE DAMAGES HE MADE INSIDE OF MY CELL, HE WALKING AGAIN

AND DID THE SAME THINGS TO ME, NOW WITH HOT WATERS. ON 3/5/2015 EARLY IN THE MORNING APPROX 6:30 AM TO 7:30 AM WHILE I WAS SLEEPING AND RESTING ON MY BED HE DID THE SAME THINGS. HE CONNECTED THE HOT WATERS IN HIGH PRESSURE BURNED SOME PARTS OF MY BODY, FLOODED MY CELL AND DAMAGED MORE MY PROPERTIES, AND FORCED TO SLEEP ON WET BED, BLANKETS, SHEETS, THEN WHEN HE SERVED THE BREAKFAST. HE GAVE ME 01 TRAYS AND CUPS ~~WET~~ FULL OF WET TOILET PAPER. (THERE WAS NO FOOD IN ALL ONLY WET TOILET PAPER)

THE L.T. KELNAN, AND SGT MEORA WERE MAKING ROUNDS IN THE SHU APPROX 30 MINUTES AFTER THE BREAKFAST, I REPORTED THE INCIDENT TO THEM AND SHOWED THEM THE CELL ALL WET, BED, SHEETS, BLANKET, PAPER, CLOTHES ETC. THEY ONLY SMILED WHEN THEY SAW ALL THIS, INCLUDING WHEN I REPORTED TO THEM ABOUT MY FOOD PROBLEMS & INJURIES

(3)

AT LUNCH TIME THE C.O HAMILTON AND  
THE C.O. S. DID THE SAME AGAIN  
NOT KEEED ME ONLY FOODS IN ALL, ONLY  
WET TOILET PAPER, THEY SMILED WHEN I  
OPEN THE TRAY FULL OF TOILET PAPER.

APPROX. 6:00 PM THE L.T. LUCAS AND  
SGT. HODGES WERE MAKING ROUNDS IN THE  
SHU, I REPORT THE SAME INCIDENTS &  
SHOWED TO THEY ALSO PROVES & EVIDENCES  
THAT C.O HAMILTON KEEP MY CELL WATERS  
IN HIGH PRESSURE TOO AND TURNED OFF  
MY COLD WATERS SO I CANNOT DRINK  
WATERS. AND SHOWED TO THEY THE ITEMS  
WET. TOO, THE SGT HODGES GET MAD/ANGRY  
THAT I STOPPED TO THE L.T. LUCAS APPROX  
10 TO 20 MINUTS AFTER THE C.O KEVIN  
ROSPHICK WALKED BEHIND MY CELL ~~WALL~~  
WALL AND CALLING ME, EH BITEH, SUCK.  
MY DICK, EH ABREK KILL YOURSELF, YOU  
WILL GO DIE, WE WILL GO KILL YOU, HAMILTON  
AND SGT HODGES SEND YOU THIS. THEN A LOT

OF ~~HOT~~ HOT WATERS STARTING TO COMING OUT  
 IN HIGH, HIGH PRESSURE BURNED MY FACE,  
 NECK, CHEST, AND ARMS IN DIFFERENT  
 PARTS, HE CONTINUE DOING SO, OVER AND  
 OVER ALL NIGHT, LEFT AND COME, (BACK  
 ON FORTH) I SCREAMING FOR HELP AND  
 YELLING TO HIM STOP STOP YOU ARE BURNED  
 ME WITH HOT WATERS STOP PLEASE, WHILE  
 I COVERED MY SELF WITH MY MOTS/BLANKET  
 AND MATTRESS, I ONLY HEARD HIM SMILED  
 A LOT, CALLING ME BITCH SUCK MY DICK DIE  
 I YELLED HIM YOU WILL GO, GO TO JAIL  
 YOU HAVE BURNED MY SKIN AND PROVOKED  
 INJURIES, HE YELL I DON'T CARE, I AM  
 READY TO GO TO JAIL.

I WAS DENIED OF MEDICAL CARE, AND  
 I FILED SITK. CALL REPORTING MY INJURIES  
 TO NURSE GLORY AND REPORTING TO SHE THAT  
 C.O.S NOT WAS FEEDING FOODS. SHE CAME TO SEE  
 ME FRONT MY CELL ON 3/06/2015 IN THE MORNING  
 A LONG WITH C.O. HAMILTON WHO MAKE SIGN TO SHE

DON'T REPORT THE INCIDENT / MY INJURIES  
 SHE REFUSED TO REPORT THIS TO THE SGT  
 OR WATCH COMMAND / CAPTAIN OR DSS FOR  
 THAT PHOTOS CAN BE TAKE OF MY INJURIES  
 SHE REFUSED TO OBSERVE MY CHEST, NECK  
 & FACE, ALLEGED THAT SHE CANNOT TO SEE  
 ME WELL DUE TO THE PRYGLASS PLACED FRONT  
 MY CELL. SHE ONLY ALLOW ME TO SHOW TO  
 SHE ONE ARM. VIA FEEDCHUTE / HATCH, SHE  
 REFUSED TO PUT ME OUT OF THE CELL FOR  
 EXAMINATIONS AND REFUSED TO ALLOW ME  
 SEE A DOCTOR. THIS IS VERY CLEAR THAT  
 THEY ARE TRYING TO COVER UP THE INCIDENTS,  
 AND MY SERIOUS INJURIES THEY DON'T TO  
 PROVIDE ME NOTHING IN ALL FOR THE PAINS  
 ON MY SKINS, I SHOULD TO SHE PROVES  
 THAT THE WATER CONTINUE IN HIGH PRESSURE.  
 I NEED YOUR HELP AND I FEEL  
 MY SAFETY THREATENED IN WARD C-6 AND  
 SGT UHAKO, DSS BROWN, SGT MEORA,  
 SGT HEDGE, & C.T. KEENON & C.T. LUCAS ARE  
 SUPPORTING ALL THIS RETALIATIONS AND  
 16,

MISCONDUCTS OF C.O. HAMILTON, C.O.  
S. AND THE OTHER C.O. AGAINST ME  
I HOPE YOU SENT TO I.G. IMMEDIATELY.

Thank you.  
Sincerely



C/C: KIL

C/C: DOCS COMMISSIONER ANACCI  
C/ Inspector General Office

C/C MR BELLWILL DEPUTY COMMISSIONER

C/C: SUPT CAMPKE

C/C: DSS BROWN

C/C: N.Y.S. COMMISSION OF CORRECTION

C/C: F.B.I. in BUFFALO N.Y.

C/C: U.S. DEPT. OF JUSTICE

TO: DSP MS. CROWLEY  
VIRIDE C.F

FROM: CARLOS ABRON  
# 99A3027  
JHM - 42-17 Cell

DATE: 3/10/2015

Re: Legal copies in the Law Library

Dear MS. CROWLEY:

I sent to the Law Library two Manila envelopes, for legal copies, this have been already one entered month and I have not yet received any of my legal copies. The L.T. Lucas recommended me to write to you. He alleged that the Law Library has four (4) Manila envelopes, waiting that you approve the legal copies. The Sgt Connolly has it four Manila envelopes in his position.

- 1) Manila envelope was sent to the Law Library on Feb/10/2015 for typing services and six (6) legal copies.
- 1) Another Manila envelope was sent to the Law Library with legal documents inside on Feb/12-14, 2015, I asked for one copies each papers.
- 1) On or about Feb/17/2015, other Manila envelope with legal documents was sent to the Law Library by me, I asked two copies each papers.
- 1) And recently I have sent other Manila envelope to the Law Library on 3/07/2015 with a court order from the Cayuga Supreme Court

ORDERED THAT I SERVE COPIES UPON THE ATTORNEY GENERAL OFFICE AND THE DEFENDANTS OF THE SUMMONS AND COMPLAINT AND DOCUMENTS ATTACHED.

SO, THERE IS A TOTAL OF FOUR MONILO ENVELOPES IN THE LAW LIBRARY THE WHICH I DON'T HAVE YET RECEIVED ONLY LEGAL COPIES. I ATTACH TO EACH MONILO ENVELOPE, AN ADVANCE REQUEST FORM. PLUS A LETTER. FORM EXPLAINED THE NEEDS OF EACH COPIES. IN MY REQUEST FOR LEGAL COPIES THERE ARE DEADLINE AND STATUTES OF LIMITATIONS.

PLEASE BE ADVISED THAT IF I MISSING ONLY OF MY DEADLINES AND STATUTES OF LIMITATIONS YOU WILL BE LIABLE OF ALL THIS.

RESPONSIBLES (1) YOU. (2) ADSP HILL (3) SGT CONNOLLY (L.I. SUPV.) (4) C.O. WILSON L.I. OFFICER AND (5) SGT LEMPKER. THE WHICH I HAVE ADVISED OF THE PROBLEMS WITH THE COPIES.

Thank you

Charles Abreu

# 99A3227

UNDER CF STH

3/10/2015.

TO: COPY:

cc: ARE

C/C: Judge Brinder  
JENCO SUPREME COURT

cc: Judge. MORRIS H. FORDRICH.  
CATUGA SUPREME COURT

cc: COURT OF CLAIM CLERKS / SUPREME COURT OF ALBANY CLERKS

FEDERAL Judge Siragusa WESTERN DISTRICT COURT.  
(2)

TO: DOCCS COMMISSIONER ANNUCCI  
N.Y.S. DOCCS BUILDING # 2  
1220 Washington Avenue  
Albany N.Y. 12226

From: CARLOS ABREU  
# 99A3027  
WINDLE C.F.  
SHU. 42-17 cell  
WINDLE RD., P.O. BOX 1187  
Alden, N.Y. 14004-1187

Date: 3/10/2015

Re: CONTINUE PROBLEMS WITH THE LEGAL COPIES  
DOCCS COMMISSIONER ANNUCCI:

THIS IS MY FOUR LETTER THAT I SENT YOU  
REGARDING MY LEGAL COPIES, THE LAW LIBRARY  
SGT/SUPERVISOR MR CONNOLLY CONTINUE KEEPING  
MY LEGAL DOCUMENTS IN THE LAW LIBRARY FOR  
AN ENTIRE MONTH, REFUSED OR FAILED TO  
PROVIDE ME MY LEGAL COPIES OR REFUSED TO  
RETURN ME BACK MY LEGAL DOCUMENTS. FOR THAT  
YOU CAN TO UNDERSTAND WELL THE PROBLEMS I  
WILL GO AGAIN TO EXPLAIN THE ISSUES/MATTERS.

ON 2/10/2015 I SENT TO THE LAW LIBRARY  
A DOCUMENTS (LEGAL DOCUMENTS REQUIRED TYPING SERVICES  
OF AN APPELLANT'S BRIEF AND SIX COPIES.

ON 2/14/2015 I SENT A MONICA ENVELOPE WITH  
LEGAL DOCUMENTS INSIDE TO THE LAW LIBRARY WITH  
AN ATTACHED ADVANCE REQUEST FORM REQUIRED ONE  
COPY EACH PAGES.

ON 2/17/2015 I SENT ANOTHER MONICA ENVELOPE —  
(11)

WITH MORE LEGAL DOCUMENTS ASKED AND REQUIRED TWO COPIES EACH PAGES. I ALSO ATTACHED AN ADVANCE REQUEST FORM SUCH AS REQUIRE DOCS DIRECTIVE 4483 AND FACILITY POLICY SITU FORM AND L.L. FORM THE MAXIMUM THAT THIS WILL TAKE FOR TO CLEAR OR BE APPROVED BY THE DSP MS. CROLEY ARE FIVE (5) BUSINESS DAYS. ALL MY 3 MANILA ENVELOPES WITH LEGAL DOCUMENTS INSIDE HAS BEEN CONFISCATED BY THE L.L. SGT/SUPERVISOR CONNOLLY, WITHOUT ANY AUTHORIZATIONS BY DOCS CENTRAL OFFICE AUTHORITY OR COUNSEL OFFICE. THE SGT CONNOLLY IS DOING ALL THIS WITH THE ONLY PURPOSE OF HARASSMENT, RETALIATIONS ABUSE OF AUTHORITY TO DENIAL 'NO ACCESS TO' THE COURTS, INTERFERING WITH MY CASES, AND FOR OUST ME.

RECENTLY ON 3/6/2015 THE CAYUGA SUPREME COURT JUDGE MARK H. FONDRIE, SENT ME A COURT ORDER ORDERED ME SERVE COPIES OF THE COMPLAINT SUMMONS AND EXHIBITS ATTACHED UPON EACH DEFENDANTS AND UPON THE ATTORNEY GENERAL OFFICE. I GAVE THE COURT ORDER AND ALL LEGAL PAPERS/DOCUMENTS THAT THE JUDGE / THE COURT SENT ME FOR MAKE THE COPIES TO THE LAW LIBRARY OFFICER MR. WILSON. ON 3/04/2015 SEVEN (7) DAYS HAS PASSED ALREADY AND I HAVE NOT YET RECEIVED ANY OF MY LEGAL COPIES. I BELIEVE THE SGT. CONNOLLY HAS ALSO CONFISCATED THIS LEGAL DOCUMENTS AND COURT ORDER TOO.

SO, NOW THEY HAS FOUR MANILA ENVELOPES FULL OF LEGAL DOCUMENTS. 3 FROM FEBRUARY 2015 AND ONE NOW FROM MARCH 2015, ALL THIS CONFISCATIONS ARE UNCONSTITUTIONAL AND VIOLATE DOCS OWN DIRECTIVES, POLICY & REGULATIONS. I HAVE LEGAL DEAD LINES AND STATUTES OF LIMITATIONS, IN SUCH LEGAL DOCUMENTS.

I HAVE SPENT ALOT OF TIME FOR ON ENTIRE ME  
(2,

TO THE SHU SUPERVISOR / SGT GREGOIRE, TO THE SHU WATCH COMMAND L.T. EVANS, AND L.T. SOWA AND SGT MOORA. THEY TOLD ME THAT THEY DON'T WANT TO BE INVOLVED IN THIS PROBLEM. THAT THIS ARE PROBLEMS BETWEEN SGT CONNOLLY AND ME

I HAVE WRITTEN LETTERS TO THE SUPERINTENDENT LEMPKO AND DEPUTY SUPERINTENDENT FOR PROGRAM MS. CROWLEY AND HIS ASSISTANT MR HILL, FOR ON INTIRED MONTH ASKED TO THEY FOR MY LEGAL DOCUMENTS AND REPORTING SGT. CONNOLLY, AND C.O. WILSON MISCONDUCTS AGAINST ME AND MY LEGAL PAPERS, BUT THE SGT, DUBB AND HIS ASSISTANT, HAS FAILED AND REFUSED TO ANSWER OR RESPOND TO MY LETTERS OF COMPLAINT, THE WHICH VIOLATE ALSO DOES OWN DIRECTIVE, ABOUT CORRESPONDENCES.

I HAVE WRITTEN DAILY TO THE LAW LIBRARY CLERK AND SGT CONNOLLY ASKED TO HIM FOR MY LEGAL DOCUMENTS AND ASKED AND REQUIRED TO HIM TO RETURN ME BACK ALL ONE EACH OF MY LEGAL DOCUMENTS OF THE MONTH OF FEB / 2015 (3 MONICA ENVELOPES FULL OF LEGAL DOCUMENTS) HE AND THE CLERK HAS REFUSED TO DO, SO, AND HAS REFUSED INTENTIONALLY TO RESPOND, OR ANSWER TO ANY OF MY LETTERS, VIA LAW-LIBRARY OR VIA MAIL.

THE LAW LIBRARY OFFICERS TOLD ME THAT SGT. CONNOLLY HAS THE FOUR MONICA ENVELOPES WITH MY LEGAL PAPERS INSIDE OF HIS PERSONAL LOCK, f THAT HE HAS PROHIBITED THAT THE LEGAL DOCUMENTS BE RETURNED BACK TO ME THEY ALLEGED ME, THAT HE IS MAD / ANGRY. OR UPSET THAT I HAVE WRITTEN MULTIPLE GRIEVANCE COMPLAINTS AGAINST HIM, AND THE LAW LIBRARY THAT NOW I AM RECEIVED RETALIATIONS THAT HE DON'T CARE WHAT ANYBODY SAY THAT HE NEED ONLY TO DENIAL MY ALLEGATIONS AND ANYBODY BELIEVE IN HIM, ALSO THIS OPPOSE THAT THERE IS A CONSPIRACY

IN THE FACILITY LEVEL BY SGT LEMKE, DSP CROWLEY AND ADSP HILL, along with Sgt. CONNOLLY, OF CONFISCATED ALL OF EACH OF MY LEGAL DOCUMENTS OF THE WHICH I REQUEST COPIES; ALL THIS WITHOUT ALBANY APPROVE OR AUTHORIZATION.

I DON'T KNOW, WHAT THIS PEOPLE HERE TELL TO YOU OR TO YOUR STAFF WHEN YOU CALL HERE ABOUT INVESTIGATE MY COMPLAINTS BUT THERE ARE NOT NO EXCUSES IN ALL FOR KEEP MY LEGAL DOCUMENTS FOR AN ENTIRE MONTH, AND AFTER CONTINUE CONFISCATED ALL OTHER DOCUMENTS EVEN WITH A COURT ORDER OR EVEN I EXPLAINED TO THEM THAT I HAVE A LEGAL DEAD LINE AND THAT THE STATUTE OF LIMITATIONS FOR FILE AN ARTICLE 78 ON COURT OF CLAIMS CONTINUE RUNNING.

THEY HAS CONFISCATED ALL OF EACH OF MY EXHIBITS FOR MY ARTICLE 78 REGARDING TIER III HEARINGS CONFISCATED ALL OF EACH OF MY EXHIBITS ABOUT MY CLAIMS. ETC THERE ARE NOT REASONS FOR TO DO SO, OR FOR TO INTERFERING WITH MY RIGHTS OR ACCESS TO COURTS. ALSO, THE DENIAL OF RETURN MY OWN LEGAL PAPERS IF I CHANGE OF MIND AND NO WANT THE LEGAL COPIES IS COMPLETELY WRONG AND UNCONSTITUTIONAL AND THE SILE SGTs OF L.T.S. ALLEGED THAT THEY DON'T WANT TO BE INVOLVED IN THIS PROBLEMS, SHOW TO YOU THE CONSPIRACY, THAT THEY KNOW WHAT IS GOING ON, BUT THEY DON'T WANT TO ME., THIS IS UNBELIEVE THAT ONLY ONE SGT/Sgt CONNOLLY CAN CONTROL AND MANIPULATE ALL A FACILITY TO HIS SUPERIOR, TO HIGH OFFICIALS TO THE ENTIRE ADMINISTRATION AND TO DOORS IN ALBANY. HOW MUCH MORE TIME I NEED TO WAIT FOR GET MY LEGAL PAPERS BACK OTHER MONTH? TWO MONTHS? 3 MONTHS? ONE YEAR? FILE A § 1983 IN FEDERAL COURT REPORTED ALL THIS ABUSES OF RETALIATIONS? PLEASE LET ME KNOW WHAT I SUPPOSED IN THIS SERIOUS PROBLEMS IN WHERE

Please send immediately to the Inspector General Investigator who can come here to Wende C.F. to investigate Sgt Connolly misconducts against me and C.O. Wilson misconducts. I believe this is the best that you can do in this moments. Because continue called to this administration or forward to they my letters for investigations, and answers only they will go continue lied to you, and trying to cover up the misconducts or conspiracy or retaliations or harassments against me. The Council Office appear also don't have any control of the Low Library here and of staff misconducts and this is possible that they also are lied to him provided false, or fabricate, or manipulate response, answer or investigations. The best in this point is you send to Wende C.F. a fair IG office / office of investigations investigator and stop immediately the staff misconducts about the Low Library and my legal documents and against me.

I hope that you can resolve all this matters and problems in this time, as soon as possible.

Thank you.

Respectfully Submitted

Carlos E. [Signature]  
 ARK 51 199A3087

Civil Rights Commission of  
 Correction, And  
 NYS Governor Cuomo.  
 U.S. Dept of Justice  
 Office of Civil Rights  
 And U.S. President Mr Obama  
 White House.  
 File

Wende C.F.  
 Site 42-17011



# NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street  
New York, NY 10004  
212.607.3300  
212.607.3318  
www.nyclu.org

**CONFIDENTIAL LEGAL MAIL  
TO BE INSPECTED ONLY IN THE PRESENCE OF THE PRISONER**

April 22, 2014

Carlos Abreu  
DIN 99A3027  
Auburn Correctional Facility  
PO box 618  
Auburn, New York 13024

Dear Mr. Abreu,

Thank you for contacting the New York Civil Liberties Union concerning your current situation and the denial of medical treatment, due process, access to records and other services while in the SHU. Unfortunately we are unable to take on your individual case since we have a limited staff. However we are enclosing a list of Prisoners Rights organizations that we suggest you contact for help as well as a list of Administrative Remedies that may pursue.

You are also receiving this letter because you are a potential class member in a federal lawsuit, *Peoples et al. v. Fischer et al.*, 11 Civ. 2694 (SAS) in the Southern District Court of New York and have contacted the New York Civil Liberties Union ("NYCLU") or the law firm of Morrison & Foerster requesting legal assistance related to the Special Housing Units ("SHUs") operated by the New York State Department of Corrections and Community Supervision ("DOCCS"). This letter is intended to inform you of what the litigation does *and does not* do, to update you about recent developments in the *Peoples* litigation, and to inform you about how to communicate with the plaintiffs' lawyers about the SHU reform process now underway.

**THE STIPULATION AGREEMENT REACHED IN *PEOPLES V. FISCHER***

The NYCLU and the law firm of Morrison & Foerster represent three plaintiffs in the *Peoples* lawsuit against DOCCS officials. The lawsuit challenges DOCCS' policies and practices regarding SHUs. The goal of the lawsuit is to reform SHU policies, specifically those regarding who is placed in SHU, for how long, and under what conditions.

For the last ten months, the plaintiffs' attorneys and DOCCS have conducted settlement negotiations about reforms to the disciplinary SHU system. On Wednesday, February 19, 2014, the parties filed court papers, a "Stipulation." The Stipulation is an agreement to put the lawsuit on hold for two years while DOCCS will undertake initial reforms to SHU policies and conditions.

**CONFIDENTIAL LEGAL MAIL**

During this time, two experts will issue recommendations for further reforms throughout the entire SHU system. A description of the actions to be undertaken is included in the enclosed press release.

If the process is successful, we expect to enter into a final settlement agreement by the end of the two-year period. If the process is not successful, we will go back to court.

**THE LITIGATION DOES NOT PROTECT ALL YOUR LEGAL RIGHTS**

The lawsuit is a potential, or "putative," class action. A class action permits individual plaintiffs to represent a group, or "class," of people who share an interest in a particular legal dispute. In this case, the three individuals who filed this lawsuit asked to represent all prisoners currently in DOCCS's custody as members of a class.

However, the plaintiffs in a putative class action are not permitted to represent the members of the class until a court grants the plaintiffs' motion to proceed as a class action, which is called "certifying" the class. In this case, the plaintiffs agreed to the Stipulation before any motion for class certification was filed, so no class action of any kind has been approved by the court at this time and the plaintiffs and their counsel do not represent you.

If the reform process fails and the parties end up back in court, the plaintiffs expect at some future date to file a motion to certify the class. If the court were then to grant approval and certify the lawsuit as a class action based upon the class definition currently proposed by the plaintiffs, all prisoners currently in DOCCS' custody would be class members. The plaintiffs seek only policy changes on behalf of proposed class members. The plaintiffs do not seek any money damages on behalf of proposed class members. Even if this case eventually moves forward as a class action, class members who believe they are entitled to receive money damages for their treatment in SHU would have to file an individual lawsuit to obtain damages.

While the reforms plaintiffs are hoping to achieve through the reform process would benefit all DOCCS prisoners if the process is successful, it is important for you to understand that no class action has been certified in this case at this time.

**If you believe that your rights have been violated with regard to a SHU placement, you should seek independent legal advice. You should know that the Prison Litigation Reform Act requires prisoners to exhaust all available administrative remedies before filing a federal lawsuit.** Enclosed is a fact sheet that describes the process of filing a grievance and a disciplinary appeal. **Failure to exhaust administrative remedies may result in you permanently forfeiting important legal rights. The currently pending litigation does not preserve all your rights and it does not modify the administrative remedies discussed in the enclosed fact sheet.**

**CORRESPONDING WITH THE PLAINTIFFS' LAWYERS ABOUT THE REFORM PROCESS**

CONFIDENTIAL LEGAL MAIL

As the reform process continues, the NYCLU and Morrison & Foerster benefit tremendously from hearing from current prisoners about their SHU sanctions or SHU conditions of confinement. We are also interested in hearing from individuals who have had recent experience with any process that has involved a review of SHU sanctions and the consideration of time cuts. Receiving letters from you helps us stay informed and better understand what is actually happening on the inside. We constantly review this correspondence and use it to inform our understanding of what is going on inside the facilities.

If you would like to send us letters, copies of misbehavior reports, dispositions imposing SHU sanctions, grievances, appeals, or any other documents, we encourage you to do so and we welcome your correspondence, but please keep the following in mind:

- Even if you send us your documents, we are not agreeing to assist you with any individual legal claims and you remain solely responsible for seeking independent legal advice and for protecting your own legal rights;
- Please do not send us originals or copies that you need to be returned to you, because we will not be able to return them;
- Given the volume of mail that we are currently receiving, we will not be able to respond individually to each letter we receive.
- Please write "*Peoples case*" on your envelope.

We are, however, reading and reviewing your correspondence and it is extremely valuable in informing our work. We will write you periodically whenever we have a public update that we can share with you about the reform process.

Finally, you should know that the reform process is being watched nationally, and that many people across the country are thinking about and supporting reforms to SHU for all prisoners in DOCCS.

Sincerely,

A handwritten signature in black ink that reads "Legal Intake Committee". The script is cursive and somewhat stylized, with the words connected together.

Legal Intake Committee  
New York Civil Liberties Union

## PRIVILEGED AND CONFIDENTIAL

VI. Sample Grievance

Any disciplinary appeal or grievance you file must reflect true and accurate facts about your particular situation, for example:

- If you are filing a grievance about the **length of a SHU sanction**, you may want to follow the language for the disciplinary appeal, on page 5 above.
- If you are complaining about the **conditions of confinement** in SHU, you may want to include language like the following:

"I am grieving the severely harmful conditions in SHU at [NAME OF CORRECTIONAL FACILITY]. Confining a human being in an isolation cell with little or no human contact or other stimulation is mentally and physically damaging, and violates my rights under New York law, the United States Constitution (including the Eighth Amendment and Fourteenth Amendment), and human rights treaties. I request that DOCCS take immediate action to alter the severe conditions of confinement in SHU, including permitting me more out of cell time and more human contact, more visitation, and more programming and recreation with other prisoners."

- If you are complaining about being **double-celled** in SHU, you may want to include language like the following:

"I am grieving the fact that I have been double-celled with another prisoner in the SHU at [NAME OF CORRECTIONAL FACILITY]. Confining two people to a SHU cell and recreation pen that they are locked in 24 hours a day, with no meaningful programs or other opportunities to leave the cell, and no privacy for defecating or showering, violates my rights under New York law, the United States Constitution (including the Eighth Amendment and Fourteenth Amendment), and human rights treaties. I request that DOCCS stop double-celling prisoners, including me, in the SHU."

PRIVILEGED AND CONFIDENTIAL

V. Sample Disciplinary Appeal

Any appeal you file must reflect true and accurate facts about your particular situation. Below is a sample form letter that you may want to consider as a model when filing your appeal.

Dear Acting Commissioner Annucci:

I am hereby appealing from a determination of the following Superintendent's hearing:

Hearing held at [NAME OF CORRECTIONAL FACILITY] \_\_\_\_\_

Date of Disposition: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Disposition Received: \_\_\_\_\_

In accordance with Section 254.8 of Title 7 NYCRR, I request that you review and reverse my Superintendent's Hearing.

The SHU sentence that I received violates my rights under New York law, the United States Constitution, and human rights treaties.

The following procedural violations occurred during my hearing: [List all the procedural violations that you believe happened during your hearing. If applicable, include language like the following that emphasizes the severity of your SHU sentence]

My SHU sentence places me on 23 hour lock-down without meaningful programs or recreation, even though I do not pose any threat to the safety of other prisoners or correctional staff. This SHU sentence is disproportionate to the rule violations that I was charged with. I request an immediate transfer out of the SHU and a return to general population. I further request that DOCCS stop sentencing prisoners, including me, to the SHU for disciplinary purposes.

[NOTE: If you are seeking programming and treatment rather than just punishment, you may want to request that programming. For example, if you received a drug-related disciplinary ticket (e.g. dirty urine) and you want access to substance abuse treatment, you may want your appeal to include a description of the type of treatment you seek and explain that a SHU sentence prevents you from obtaining adequate treatment and avoiding future drug-related disciplinary infractions. Or if you need mental health counseling, you can request that.]

Please notify me of your decision.

Sincerely,

[YOUR NAME]

[DIN #]

[COMPLETE FACILITY ADDRESS]